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Contents

America's Political Heritage: Revolution and Free Government—A Bicentennial Tribute
ALPHEUS THOMAS MASON 193

Mao Tse-tung's Leadership Style
LUCIAN W. PYE 219

The United States Senate as a Presidential Incubator: Many Are Called but Few Are Chosen
ROBERT L. PEABODY
NORMAN J. ORNSTEIN
DAVID W. ROHDE 237

British Populism: The Labor Party and the Common Market Parliamentary Debate
HARRY LAZER 259

The United States and the Origins of the World Court
DAVID S. PATTERSON 279

Why Few Women Hold Public Office: Democracy and Sexual Roles
MARCIA MANNING LEE 297

Governor Alfred E. Smith and Penal Reform
DAVID R. COLBURN 315

World Order Models Project: First Fruits
DAVID WILKINSON 329

Book Reviews 337

Reference Books and Source Materials Received 383

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ELECTRONIC REPRODUCTION PROHIBITED

Book Reviews

Davis, National Health Insurance: Benefits, Costs, and Consequences — Stanley S. Wallack 337

van den Haag, Punishing Criminals: Concerning a Very Old and Painful Question — James P. Gifford 339

Etzioni, A Comparative Analysis of Complex Organizations, rev. ed. — Peter Fricke 341

Mondale, The Accountability of Power — Richard M. Pious 342

Cronin, The State of the Presidency; *Kessel*, The Domestic Presidency: Decision-Making in the White House — Dall W. Forsythe 343

Meehen, Public Housing Policy: Convention versus Reality — M. Leanne Lachman and Anthony Downs 346

Smerk, Urban Mass Transportation: A Dozen Years of Federal Policy — Michael N. Danielson 347

Pechman and Timpane, eds., Work Incentives and Income Guarantees: The New Jersey Negative Income Tax Experiment — Dennis P. Sobin 348

Okun, Equality and Efficiency: The Big Tradeoff; *Thurow*, Generating Inequality: Mechanisms of Distribution in the U. S. Economy — Sylvia Ann Hewlett 350

Krickus, Pursuing the American Dream: White Ethnics and the New Populism — S. J. Makielski, Jr. 352

Foley, Community Mental Health Legislation: The Formative Process — Stephen David 353

Yin and Yates, Street-Level Governments: Assessing Decentralization and Urban Services — Richard L. Cole 355

Steggert, Community Action Groups and City Governments: Perspectives from Ten American Cities — Peter A. Lupsha 356

Burton, Urban Terrorism: Theory, Practice and Response — Paul Wilkinson 358

Vaughn, The Spoiled System: A Call for Civil Service Reform — Wilbur C. Rich 359

Minger, William Howard Taft and United States Foreign Policy: The Apprenticeship Years, 1900–1908 — Michael Hogan 360

Gilpin, U. S. Power and the Multinational Corporation: The Political Economy of Foreign Direct Investment — Stephen D. Krasner 361

Iriye, ed., Mutual Images: Essays in American-Japanese Relations — Yung H. Park 363

Sampson, The Seven Sisters: The Great Oil Companies and the World They Shaped — Lawrence J. White 364

Jessup, The Birth of Nations — James Barros 366

Holborn, with Chartrand, P., and Chartrand, R., Refugees: A Problem in Our Time. The Work of the United Nations High Commissioner for Refugees, 1951–1972 — Leland M. Goodrich 367

Wootton, Pressure Groups in Britain 1720–1970: An Essay and Interpretation with Original Documents — Ira Katznelson 368

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Wheeler, White-Collar Power: Changing Patterns of Interest Group Behavior in Sweden — TORBJÖRN VALLINDER — 369

Serge and Trotsky, The Life and Death of Leon Trotsky — JOEL CARMICHAEL — 371

Hurewitz, The Middle East and North Africa in World Politics: A Documentary Record, Volume I, European Expansion, 1535–1914 — WILLIAM B. QUANDT — 372

Gittings, The World and China, 1922–1972; *Hinton*, Three and a Half Powers; *Taylor*, China and Southeast Asia: Peking's Relations with Revolutionary Movements — MIKE PILLSBURY — 373

Matthews, Revolution in Cuba: An Essay in Understanding — ROBERT R. KAUFMAN — 376

O'Meara, Rhodesia: Racial Conflict or Coexistence? — J. LEO CEFKIN — 377

Leys, Underdevelopment in Kenya: The Political Economy of Neo-Colonialism — DENNIS L. DRESANG — 379

Pocock, The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition — NATHAN TARCOV — 380

Friedman, The Legal System: A Social Science Perspective — DONALD M. ROPER — 382

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From the Managing Editor:

In this issue . . .

In a bicentennial tribute, ALPHEUS THOMAS MASON reviews the twofold nature of America's political heritage—its revolutionary origins and the fashioning of governmental institutions that permit major changes without violence.

LUCIAN W. PYE describes Mao Tse-tung's operational code and advances a theory about the psychological roots of charismatic authority. Mao's leadership style reveals not only what he himself has called his part "tiger" and part "monkey" nature, but also an intuitive understanding of the emotional linkage between the narcissism of the leader and the need for dependency of followers.

ROBERT L. PEABODY, NORMAN J. ORNSTEIN, and DAVID W. ROHDE analyze the Senate's role in developing vice-presidential and presidential candidates. The implications of this role for the operation of the Senate and its policy process are discussed.

HARRY LAZER see the British Labour party's split over Common Market entry in the 1971 parliamentary debate as reflecting a clash between populism and liberal elitism. The usually dominant right wing of the Labour party, in a minority on this issue, was forced to face fundamental questions about majority rule and the role of a democratic representative.

DAVID S. PATTERSON describes and interprets the attempts of American lawyers and government officials to establish a world court in the two decades before 1920. Ironically, President Woodrow Wilson nearly subverted this long-term American effort at the Paris Peace Conference and only reluctantly acquiesced in the provision for the Permanent Court of International Justice in the Convenant of the League of Nations.

MARCIA MANNING LEE argues that the percentage of women holding elected public office is unlikely to increase by a substantial amount in the future unless radical changes occur in current sexual role assignments, particularly those related to child care.

DAVID R. COLBURN discusses Governor Alfred E. Smith of New York as a prison reformer far ahead of his time, especially in his advocacy of a penal program to rehabilitate prisoners and return them as meaningful contributors to society.

DAVID WILKINSON examines several volumes recently issued under the auspices of the World Order Models Project. He concludes that WOMP's purpose—to create "relevant utopias"—remains admirable, but unfulfilled.

DEMETRIOS CARALEY

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America's Political Heritage: Revolution and Free Government—A Bicentennial Tribute

ALPHEUS THOMAS MASON

In 1974, two years before the bicentennial of America's birth as a nation, free government experienced a crisis comparable only to the Civil War. Thoughtful Americans gravely wondered whether there would be anything to celebrate in 1976. Confronted with unprecedented betrayals, the institutions of free government—press, Congress, and courts—responded. Without loss of a drop of blood, America ousted from the highest office in the land a rebellious conspirator to obstruct justice.[1] To rid themselves of Britain's tyrannical rule, the colonies resorted to revolution. Thanks to the Founding Fathers' constitutional handiwork that was not necessary on the eve of America's bicentennial.

No happenstance, this timely tribute to the resilience of eighteenth-century institutions was the result of careful planning. James Madison, "Father of the Constitution," boasted that the American people "accomplished a revolution which has no parallel in the annals of human society. They reared the fabrics of government which have no models on the face of the globe. They formed the de-

[1] There are remarkable parallels between 1776 and the constitutional crisis of 1974, striking similarities between the charges Jefferson leveled against King George III in the Declaration of Independence and the Articles of Impeachment the House Judiciary Committee voted against President Nixon. Both were charged with obstructing "the administration of justice." Jefferson portrayed King George as the rebel. On March 28, 1975, Federal District Court Judge Noel Fox labeled President Nixon a "putative rebel leader," conducting "an insurrection and rebellion against constitutional government itself . . ." [*Murphy* v. *Ford*, 390 F. Supp. (1975), 1372–1373].

ALPHEUS THOMAS MASON is McCormick Professor of Jurisprudence Emeritus at Princeton University and currently is visiting professor at Claremont Men's College. He is best known for his biographies of Supreme Court Justices Brandeis, Stone, and Taft and is also the author of *Free Government in the Making* and *The Supreme Court from Taft to Warren.*

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sign of a great Confederacy which it is incumbent on their successors to improve and perpetuate."[2]

Madison's unqualified acclaim seems parochial, self-serving, even more so when one takes into account the fact that these exalted pronouncements were published in a newspaper article, circulated during the heated campaign to win support for the proposed Constitution. Ratification was uncertain; America's constitutional future was clouded in doubt. Circumstances put a high premium on hyperbole. How do Madison's lofty claims measure up in the light of nearly two centuries of history?

Revolution without Parallel

Nowadays few words are bandied about more freely than revolution. For most it evokes images of violence, disruption, and anarchy. Yet the right of revolution, historically and logically, has high claim as the focus of America's bicentennial. How can Americans denigrate contemporary models and celebrate 1776? In his classic formulation, Jefferson made revolution seem glorious, noble, Heaven sent.

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights. That among these are Life, Liberty and the Pursuit of Happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any Form of government becomes destructive of those ends, it is the Right of the People to alter or to abolish it, and institute a new Government, laying its foundations on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.[3]

The Declaration of Independence is our national birth certificate. Our first state constitutions, some of them prefaced with the Declaration, denounced the doctrine of nonresistance against arbitrary power and oppression as "absurd, slavish, and destructive of the good of mankind."[4] Lincoln called the people's "*right* to rise up, and shake off the existing government, and form a new one that suits them better—a most sacred right—a right, which we hope and believe, is to liberate the world."[5] In 1953, Arthur Schlesinger, Sr., listing Amer-

[2] Benjamin F. Wright (ed.), *The Federalist*, (Cambridge, Mass., 1916), no. 14, pp. 154–155. Quotations are from this edition.

[3] See Julian P. Boyd, *The Declaration of Independence: The Evolution of the Text as Shown in Facsimiles of Various Drafts by Its Author, Thomas Jefferson* (Princeton, N. J., 1945); W. S. Howell, "The Declaration of Independence and Eighteenth Century Logic," *William and Mary Quarterly*, 18, no. 4 (October 1961), 463–484; Carl Becker, *The Declaration of Independence: A Study in the History of Political Ideas* (New York, 1948).

[4] Maryland constitution, Article 6. Fifteen states have, at one time or another, specifically endorsed the right of people to "alter, reform or abolish" the existing form of government. For a listing, see Justice Douglas, dissenting in *Scales* v. *United States*, 367 U.S. 203 (1961), 278.

[5] Roy P. Basler (ed.), *The Collected Works of Abraham Lincoln* (New Brunswick, N. J., 1953), Vol. 1, pp. 138–139.

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ica's ten contributions to civilization, accorded top rank to the right of revolution.[6] At no time in our history could we reasonably or gracefully turn our backs on it. Nor can we do so in 1976.

"If there be a principle," James Madison commented in 1793, "that ought not to be queried within the United States, it is that every Nation has a right to abolish an old government and establish a new one. . . . It is the only lawful tenure by which the United States hold their existence as a Nation."[7] "It is in vain," Madison wrote in *Federalist*, No. 41, "to oppose constitutional barriers to the impulse of self-preservation. It is worse than in vain, because it plants in the constitution itself necessary usurpations of power, every precedent of which is a germ of unnecessary and multiplied repetitions." Although not always in agreement with his *Federalist* collaborator, Alexander Hamilton called revolution "an original right of self-defense, paramount to all positive government."[8]

The right of revolution has an honorable heritage. In immortalizing it, Jefferson drew ideas and phraseology from John Locke's *Two Treatises of Government*. Locke had proclaimed: "Should either the executive or the legislative, when they have got power in their hands, design, or go about to enslave or destroy them, the people have no other remedy than this, as in all other cases when they have no judge on earth, but to appeal to Heaven"[9]—apparently a euphemism for revolution.

A staunch conservative, Locke held that the "end of civil society is civil peace." Wary of its disruptive possibilities, he argued that rebellion is not likely to occur. With both ruler and ruled in mind, he suggests that "the properest way to prevent the evil is to show them the danger and injustice of it who are under the greatest temptation to run into it." Rulers would be more inclined to remain on good behavior, and the people, aware of the consequences, would be willing to suffer "slips of human frailty" until evils became insufferable. Thus, for Locke, revolution seems not so much a right to be asserted as a recipe for its avoidance.

Locke's constitutionalism is marked by the absence of any worldly authority for resolving conflicts between unabashedly tyrannical government and palpable grievances:

> *Who shall* be Judge whether the Legislative act contrary to their Trust? To this I reply, *The People shall be Judge*. . . . But this cannot mean that there is no judge

[6] Arthur M. Schlesinger, "Our Ten Contributions to Civilization," *The Atlantic*, March 1959, pp. 65–69.

[7] G. Hunt (ed.), *The Writings of James Madison* (New York, 1906), p. 164.

[8] *The Federalist*, No. 28.

[9] John Locke, *Two Treatises of Government*, Peter Laslett (ed.) (New York, 1966). This and subsequent excerpts are from the Laslett edition.

At certain points, Locke uses "rebellion" and "revolution" interchangeably; at others, these terms seem distinguishable.

The interpretation of Locke presented here owes much to N. C. Phillips, "Political Philosophy and Political Fact: The Evidence of John Locke," in *Liberty and Learning: Essays in Honor of Sir James Hight* (Christchurch, 1950).

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> at all. For where there is no Judicature on Earth to decide controversies amongst Men, *God* in Heaven is *Judge*.

Omission of a common power over all in Locke's system seems the more extraordinary in light of the fact that under his theory men left the state of nature and entered civil society to enjoy the advantage of such an arbiter.[10] Yet for individuals and minorities in his civil society, the "Appeal to Heaven" would seem to be an empty declamation:

> The right of resisting, even Manifest Acts of Tyranny, will not suddenly, or on slight occasion, disturb the Government. For if they reach no further than some private Mens rights, though they have a right to defend themselves, and to recover by force what by unlawful force is taken from them; yet the right to do so, will not easily engage them in a contest, wherein they are sure to perish.

Belying Locke's expectations, the American colonies rebelled. Against incalculable odds, they invoked force against force. Locke's *Second Treatise of Government* justified their Appeal to Heaven: "The use of force without authority always puts him that uses it into a State of War, as the aggressor, and renders him liable to be treated accordingly." Ironically, the rationale Locke used to uphold the supremacy of Parliament, Jefferson asserted to repudiate it.

Locke's theory had been working itself into the minds of the colonists long before 1776. The real revolution being, as John Adams said, "in the minds and hearts of the people," it was "effected before the War commenced."[11] Furthermore, as we shall see, the revolution continued after the war ended.

In the prerevolutionary controversy, lawyers and law-minded leaders played a prominent role. Arguing their case against Britain in constitutional terms, the colonists deplored denial of representation, rejected parliamentary supremacy and proclaimed a theory of higher law which, though advocated in England by the eminent Lord Coke, was never sanctioned in the mother country. In denouncing the infamous Writs of Assistance, James Otis, challenging the supremacy of Parliament, claimed for the executive courts power to declare "the act of a whole Parliament void."[12]

The constitutional argument ended ultimately in an irreconcilable impasse. Parliament asserted its supremacy; in rebuttal, the colonies asserted their own. Want of a common power over all, as in Locke's *Two Treatises*, to resolve conflicting claims, led to the most forbidding of all political monsters—*imperium in imperio*—many sovereigns in the same community.

Inspired, finally, by the vision of "a great country, populous, and mighty" (Franklin's language), even the lawyers shifted ground, deepening the base of their grievances. "To what purpose," James Otis asked, "is it, to base the col-

[10] "To avoid this State of War [due to want of a common power over all] is the great *reason of Mens putting themselves into society*, and quitting the State of Nature."

[11] John Adams to Hezekiah Niles, February 13, 1818. Quoted in Richard J. Hooker (ed.), *The American Revolution: The Search for Meaning* (New York, 1970), p. 9.

[12] James Otis, *The Rights of the British Colonies*, 1764. Quoted in A. T. Mason, *Free Government in the Making* (New York, 1965), p. 98.

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onists' argument on the cases of Manchester and Sheffield? If those, now so considerable places are not represented, they ought to be."[13] This moral approach became the fundamental premise of the call for revolution and independence.

As formulated in the Declaration of Independence, the right of revolution, a moral rather than a legal or constitutional imperative, was both conservative and radical. Jefferson's animating purpose, like Locke's, was conservative. The colonists revolted, not so much to initiate a completely new order as to reestablish British rights and liberties on this side of the Atlantic.[14] We have taken up arms, the Continental Congress explained, July 6, 1775, "in defense of the freedom that is our birthright, and which we ever enjoyed til the late violation of it."[15]

Edmund Burke, symbol of conservatism, warmly endorsed the American revolution, and harshly denounced the French. The French began inauspiciously, he commented, "by despising everything that belonged to them."[16] The Americans, on the other hand, exhibited unswerving devotion to liberty according to British ideas and experience. Parliament, not the colonies, exercised power contrary to the British Constitution.

America never had a revolution comparable to the upheavals in France and Russia. The revolution of 1776 did not wipe the constitutional slate clean. In the modern European sense of the word, the momentous step taken in 1776 was hardly a revolution at all.[17] Tocqueville noted "the great advantage of the Americans." They arrived at a condition of liberty without rejecting their inherited principles.[18]

The Declaration of Independence is also radical. It sanctioned the belief, extreme even by present-day standards, that all men, regardless of race, color, or creed, are endowed by their Creator with certain unalienable birthrights. Endorsed is the potentially subversive doctrine that just governments can safely rest on reason and consent rather than on fear and coercion.

"Fear, the foundation of most governments," John Adams wrote in 1776, "is so sordid and brutal a passion, and renders men in whose breasts it predomi-

[13] Quoted in Carl Becker, *Declaration of Independence* (New York, 1933), p. 133.

[14] Carl N. Degler, "The American Past: An Unexpected Obstacle in Foreign Affairs," *American Scholar*, Spring 1963, p. 193.

[15] Ibid.

"America sought not a revolution; she yielded to it, compelled by necessity, not because she wished to extort a better condition than she had before enjoyed, but because she wished to avert a worse one prepared for her." Frederick Gentz, *The French and American Revolutions Compared*, translated by John Quincy Adams (Chicago, 1955), p. 56.

[16] Edmund Burke, *Reflections on the French Revolution* (Maynard's English Classic Series), p. 18.

[17] Daniel Boorstin, *The Genius of American Politics* (Chicago, 1953), p. 68. For various interpretations of the American Revolution and the massive scholarship relating to it, see George Athan Billias (ed.), *The American Revolution: How Revolutionary Was It?* (New York, 1965); Jack Greene, *The Reappraisal of the American Revolution in Recent Historical Literature* (Washington, D. C., 1967).

[18] Alexis de Tocqueville, *Democracy in America*, F. Bowen (ed.) Vol. 2 (1873), p. 123.

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nates so stupid and miserable, Americans will not be likely to approve of any political institution which is founded on it."[19] Although "the capacity of mankind for self-government" had yet to be demonstrated, Madison singled out this "honorable determination" as the motivating force in "all our political experiments."[20]

Reason is among the most fragile, the most uncertain ingredients in the lexicon of statecraft. When rationalism was in its heyday, a contemporary of the Founding Fathers, Dr. Samuel Johnson, cautioned in *Rasselas:* "Of the uncertainties in our present state, the most dreadful and alarming is the uncertain continuance of reason." Small wonder Jefferson called the decision of 1776 "the bold and doubtful election we then made for our country."[21] "Experience must be our only guide," John Dickinson cautioned the Philadelphia Convention delegates in 1787. "Reason may mislead us."[22] Not until our own time, barring the Civil War, has this country experienced in full measure the precarious dimensions of the epochal decision of 1776.

Henry Steele Commager declares that the Declaration of Independence is more subversive than the *Communist Manifesto.*[23] Marx's apocalyptic vision precludes further revolution.[24] For Jefferson it is a continuing political phenom-

[19] *Thoughts on Government*, 1776. C. F. Adams (ed.), *The Works of John Adams*, Vol. 4 (Boston, 1851), pp. 193–200. Reprinted in Mason, *Free Government in the Making*, p. 144.

[20] *The Federalist*, No. 39.

[21] Jefferson to R. C. Weightman, June 16, 1826. Quoted in Mason, *Free Government in the Making*, p. 371.

[22] Max Farrand (ed.), *The Records of the Federal Convention of 1787*, Vol. 2 (New Haven, Conn., 1911), p. 278.

[23] "No other nation has had a revolutionary history so long or so comprehensive, and perhaps no other has a record that was, in the eyes of the world, so deeply subversive as ours." Henry Steele Commager, *U.S. Congress. Senate Hearings before the Committee on Foreign Relations.* 90th Cong., 1st Sess., February 20, 1967, p. 11.

Justice Holmes, recognizing free government's potentially subversive aspect, declared: "If in the long run the beliefs expressed in proletarian dictatorship are destined to be accepted by the dominant forces of the community, the only meaning of free speech is that they should be given their chance and have their way." Dissenting in *Gitlow* v. *New York*, 268 U.S. 652 (1929), 673.

[24] In a remarkable letter to Karl Marx, two years before the *Communist Manifesto* was published, the French socialist, P. J. Proudhon, pleaded unsuccessfully with Marx to make the proletarian revolution self-consistent.

Dear Mr. Marx:

> Let us seek together, if you wish, the laws of society, the manner in which these laws are realized, the process by which we shall succeed in discovering them; but, for God's sake, after having demolished all the *a priori* dogmatisms do not let us in our turn dream of indoctrinating the people; let us not fall into the same contradiction as your countrymen, Martin Luther, who after having overthrown Catholic Theology, began at once with the help of excommunications and anathemas, to found a Protestant Theology. . . . I applaud with all my heart your thought of bringing to light all opinions; let us carry on a good and loyal polemic; let us give the world the example of a learned and far-sighted tolerance but let us not, because we are at the head of a movement, make ourselves the leaders of a new intolerance, let us not pose as the Apostles of a new religion, even if it is the religion of logic

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enon, as inescapable as it is desirable. With reference to Shays' rebellion in Massachusetts, he exclaimed: "God forbid we should be twenty years without such a rebellion. . . ."[25] Commager suggests that "ardent conservatives who fear revolution everywhere might logically start by banning the Declaration from schools and textbooks."

Jefferson's rationalization of revolution includes negative and positive aspects. It asserts the natural right of people to alter or abolish tyrannical government, and affirms their right to establish a new government more in keeping with their safety and happiness. Thus the Declaration of Independence and the Constitution are parts of one consistent whole.[26] For both, liberty and justice were the animating principles. The negative phase, elimination of arbitrary power, was relatively easy; establishing a free government was far more difficult. "The generation which commences a revolution," Jefferson noted, "rarely completes it."[27]

Our revolutionary fathers were dissenters; we are the descendants of dissenters. Unlike some of the modern breed, they did not proclaim the rottenness of their entire heritage, and urge its destruction, root and branch. After throwing off the British yoke, the victorious revolutionaries knew that a more difficult task lay ahead—that of building a constitutional order in which man's destructive impulses could be brought within the framework of civility, rationality, and law. If the American revolution had been merely destructive, dislodgment of lawless government, it would not have been justified. If "the precious blood of thousands" had been spilt, Madison declared, so that "the government of the individual states . . . might enjoy a certain extent of power . . . ," it would not have been worthwhile. The only justification for revolution was the replacement of Britain's tyrannical rule with a government capable of advancing "the real welfare of the great body of the people."[28]

By 1783, the revolutionaries of 1776 were triumphant. The American states had achieved independence not only from Great Britain, but also from each other. One problem was solved only to create another. In the sense of want of a common power over all, the states, after 1776, were in a Lockean state of nature. Because separation from Britain would place states, like Locke's individuals in his imaginary precivil society, in a position of independence with respect to each other, Loyalists Daniel Leonard and Samuel Seabury resisted revolution.

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and reason. Let us gather together and encourage all protests, let us condemn all exclusiveness . . . let us never regard a question as exhausted. On this condition, I will gladly enter into your association: Otherwise, No!

Correspondence de P. J. Proudhon, Vol. 2 (Paris, 1875), pp. 198–202. Also in P. J. Proudhon, *Confessions d'un révolutionnaire* (Paris, 1929), pp. 434–435. Also in *Dissent*, Winter 1958.

[25] To W. S. Smith, November 15, 1787. Julian Boyd (ed.), *The Papers of Thomas Jefferson*, Vol. 12 (Princeton, N. J., 1955), p. 356.

[26] See B. F. Wright, *Consensus and Continuity, 1776–1787* (New York, 1958).

[27] P. L. Ford (ed.), *The Works of Thomas Jefferson* (New York and London, 1904–1905), Vol. 10, p. 269.

[28] *The Federalist*, No. 45.

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"Two supreme or independent powers cannot exist in the same state," Leonard warned. "It would be what is called *imperium in imperio*, the height of political absurdity."[29] Although a forerunner of independence, John Adams, anticipating the conditions that made American political life so critical in the 1780s, declared: "Two supreme and independent authorities cannot exist in the same state any more than two supreme beings in one universe."[30]

By declaring that "each state retains its sovereignty, freedom and independence" the Articles of Confederation created precisely the political absurdity Leonard and Adams had foreseen and condemned. "They still seem to cherish with blind devotion," Hamilton commented derisively, "the political monster of an *imperium in imperio*."[31] Enforcement difficulties arose from the fact that the Articles operated on states in their corporate capacity instead of on individuals. Deploring gross inadequacies, John Quincy Adams observed:

> The work of the founders of our independence was but half done. For these United States, they had formed no *Constitution*. Instead of resorting to the source of all constituted power [the people], they had wasted their time, their talents, . . . in erecting and roofing and buttressing a frail and temporary shed when they should raise the marble palace of the people, to shelter the Nation from the storm.[32]

Yet the Articles performed invaluable service. The Confederation Congress waged war, made peace, and kept alive the idea of Union when it was at its lowest ebb. In 1783, the war was over, the Revolution unfinished.

"There is nothing more common," Dr. Benjamin Rush declared in 1787, "than to confound the terms of the *American Revolution* with those of the *late American War*. The American war is over; but this is far from being the case with the American Revolution. On the contrary, nothing but the first act of that great drama is closed. It remains yet to establish and perfect new forms of government." Underscoring his sense of urgency, Dr. Rush appealed to "Patriots of 1774, 1775, 1776—heroes of 1778, 1779, 1780. Come forward! Your country demands your services! The Revolution is not *OVER*."[33]

Dr. Rush's call was heeded. In 1787, delegates from the various states (not including Rhode Island) assembled in Independence Hall, Philadelphia, the

[29] Daniel Leonard, *Massachusettensis*, Letters Addressed to the Inhabitants of the Province of Massachusetts Bay, 1775. Quoted in Mason, *Free Government in the Making*, p. 119.

[30] Quoted in ibid, p. 125.

Foreshadowing America's "critical period" of the 1780s, loyalist Samuel Seabury wrote: "If we should succeed in depriving Great Britain of the power of regulating our trade, the colonies will probably be soon at variance with each other. Their commercial interests will interfere; there will be no supreme power to interpose, and discord and animosity must ensue." Ibid., p. 118.

[31] *The Federalist*, No. 15.

[32] John Quincy Adams, *The Jubilee of the Constitution* (1839), pp. 17–18.

See E. S. Corwin, "The Progress of Constitutional Theory Between the Declaration of Independence and the Meeting of the Philadelphia Convention," *American Historical Review*, 30 (1925), 511–536.

[33] H. Niles, *Principles and Acts of the Revolution* (1876), pp. 234, 236.

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same place where eleven years earlier, the Declaration of Independence had been signed. In 1776 reason and consent had been solemnly proclaimed as viable foundations of government. In 1787, these supports were subjected to a severe test. Hamilton posed the crucial issue: Could political communities called states, through "reflection and choice" be transformed into "a union under one government"?[34]

The Constitution, like the Declaration of Independence, highlights the role of reason in statecraft. The Convention began auspiciously, Jefferson commented, "by assembling the wise men, instead of the armies."[35] America, he said, "set the world an example of the formulation of political institutions by reason alone without bloodshed."[36] James Wilson boasted,

> America now exhibits to the world a gentle, a peaceful, a voluntary, and deliberate transition from one constitution of government to another. In other parts of the world, the idea of revolutions in government is connected with the ideas of wars and all the calamities attendant on wars. But happy experience teaches us to view such revolutions in a very different light: to consider them as progressive steps in improving the knowledge of government, and increasing the happiness of society and mankind.[37]

A century later, John W. Burgess denounced the Constitutional Convention as counterrevolutionary, designed to turn back the democratic tide unleashed in 1776. "What they [the Convention delegates] actually did, stripped of all fiction and verbiage," Burgess wrote in 1890, "was to assume constituent powers, ordain a constitution of government and of liberty, and demand the *plebiscite* thereon, over the heads of all existing legally organized powers. Had Julius [Caesar] or Napoleon committed these acts, they would have been pronounced coup d'état."[38]

Burgess' indictment seems extreme. The Convention continued the revolution Jefferson adumbrated in 1776. It was, however, revolutionary both technically and substantively. In mandating that the document be ratified by nine rather than all the state conventions, it violated a provision in the Articles of Confederation which required unanimity. The Constitution was revolutionary, as Madison conceded, in deriving all authority not from states but from people. Confessing irregularities, Madison explained that these proceeded from "an irresistible conviction of the absurdity of subjecting the fate of twelve states to the perversion or corruption of a thirteenth." In the end, he grounded his justification in the right of revolution, in "the great principle of self-preservation," in

[34] *The Federalist*, No. 1.

[35] To David Humphreys, March 17, 1789. Ford, *Works of Thomas Jefferson*, Vol. 5, p. 470.

[36] To Edward Rutledge, July 18, 1788. Boyd, *Papers of Thomas Jefferson*, Vol. 13, p. 378.

[37] Jonathan Elliot (ed.), *The Debates of the Several State Constitutional Conventions on the Adoption of the Federal Constitution*, Vol. 2 (Washington, 1836), p. 406.

[38] John W. Burgess, *Political Science and Comparative Constitutional Law*, Vol. 1 (Boston, 1890), p. 105.

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the "transcendent and precious right of the people to abolish or alter their government as to them shall seem most likely to effect their safety and happiness."[39]

The right of revolution, a legitimatizing concept in 1776, remained so in 1787. "Supreme, absolute, and uncontrollable authority *remains* with the people," James Wilson declared on December 4, 1787. "I recollect no constitution founded on this principle: but we have witnessed the improvement, and enjoy the happiness, of seeing it carried into practice. The great and penetrating mind of *Locke* seems to be the only one that pointed towards even the theory of this great truth."[40]

Free Government in the Making

Since revolution was, as Madison recognized, "the only lawful tenure by which the United States hold their existence as a Nation," it was incumbent on the Founding Fathers to institutionalize, legitimize, and domesticate it—bring it within the four corners of the Constitution—to fill the yawning hiatus in Locke's constitutional system.

Louis Hartz declares that Locke "dominates American thought as no thinker anywhere dominates the political thought of a nation."[41] Jefferson's appraisal was less categorical. For him "Locke's little book on government is perfect so far as it goes."[42] Jefferson's quarrel with Locke concerned "practice" rather than "theory." In 1787, as in 1776, *Two Treatises of Government* was an arsenal of ideas. On the institutional side, it was of limited usefulness. Apart from the basic notion that all just governments derive their power from the consent of the governed, the functioning of America's political institutions differs as fundamentally from Locke's as it does from the British system today. Locke's concern for liberty and property is reflected in his stress on natural law and natural rights. But his constitutionalism boils down to political limits on government —those imposed at election time, plus the faith that rulers and ruled alike would be guided by considerations of justice and common sense. The idea of a constitution limiting and superintending the operations of government forms no serious part of Locke's system. It has been said that Locke was "unreasonable only in his faith in reason."[43]

The artless "Appeal to Heaven" posed a challenge for our Constitution mak-

[39] *The Federalist*, No. 40.

[40] Elliot, *The Debates*, Vol. 2, p. 426.

[41] Louis Hartz, *The Liberal Tradition in America* (New York, 1955), p. 140.

[42] Jefferson to Thomas Mann Randolph, Jr., May 30, 1790. Boyd, *Papers of Thomas Jefferson*, Vol. 16, p. 449.

[43] Phillips, "Political Philosophy and Political Fact."

The shades of John Locke have not vanished from the councils of the judiciary. See the illuminating colloquy between Justices Douglas and Frankfurter in *Perez* v. *Brownell*, 356 U.S. 603 (1958), 622, and *Kingsley Pictures Corp.* v. *Regents of New York*, 360 U.S. 648 (1960), 699. Quoted in A. T. Mason, *The Supreme Court: Palladium of Freedom* (Ann Arbor, Mich., 1962), p. 7.

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ers. Needed were terrestrial procedures and forums that would reduce the occasions for revolution to the minimum. Madison articulated the crucial question: How could "the mild and salutary *coercion* of *magistracy*" be substituted for "the destructive *coercion* of the sword"?[44]

As Madison envisaged it, the problem was twofold: to enable government to control the governed and oblige government to control itself. Dependence on the people was recognized as the "primary control," but experience demonstrated the need for "auxiliary precautions."[45]

The Constitution's framers were inspired by profound suspicion of any and all power holders. "The truth is," Madison remarked, "all men having power ought to be mistrusted." Jefferson concurred: "It would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights: Confidence is everywhere the parent of despotism—free government is founded in jealousy, and not in confidence."[46]

Trying experience under the Articles of Confederation and the new state constitutions had brought democracy into question, including its primary tenet, majority rule. Disillusioned by the actual working of these hastily constructed institutions, the delegates convened at Philadelphia in 1787 realized that "the temple of tyranny has two doors"—monarchy and democracy. One had been bolted by proper restraints, the other left open, thus exposing society to "the effects of our own ignorance and licentiousness."[47] Both history and experience made democracy suspect. "Remember," John Adams warned, "democracy never lasts long. It soon wastes, exhausts, and murders itself. There never was a democracy yet that did not commit suicide."[48]

What the framers established was not "democracy the most simple" but "the most complicated government on the face of the globe."[49] They called their creation *free government*. More easily described than defined, it involves a complexus of controls designed to temper together into one consistent work the sometimes opposite, sometimes complementary, elements of liberty and restraint.[50] Madison stated the Founding Fathers' objective in *Federalist*, No. 37: "To combine the requisite stability and energy in government with inviolable

[44] *The Federalist*, No. 20.

[45] Ibid., No. 51.

[46] Quoted in Mason, *Free Government in the Making*, p. 371.

[47] Dr. Benjamin Rush, "Address to the People of the United States, 1787," in Niles, *Principles and Acts of the Revolution*, p. 234.

[48] Adams, *Works of John Adams*, Vol. 6, p. 484. See R. R. Palmer, "Notes on the Use of the Word 'Democracy,' 1789–1799," *Political Science Quarterly*, 68 (1953), 203–226.

[49] Adams, *Jubilee of the Constitution*, p. 115.

"If there be any truth . . . , it is that in proportion as a government is free, it must be complicated. Simplicity belongs to those only where one will governs all, . . . where few arrangements are required because no checks to power are allowed. . . ." Joseph Story, *Miscellaneous Writings*, W. W. Story (ed.) (Boston, 1853), p. 619.

[50] For James Wilson's definition of free government, see Elliot, *The Debates*, Vol. 2, p. 484. In his *Reflections on the French Revolution*, p. 121, Burke, with certain qualifications, underscored essential aspects of the system.

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attention to liberty and the republican form." This goal could be achieved only by a constitutional arrangement setting interest against interest, ambition against ambition, power against power.

"In questions of power," Jefferson admonished, "let no more be heard of confidence in man [power holder], but bind him down from mischief by the chains of the Constitution."[51] Besides the right of revolution, these constitutional shackles include government under law, separation of powers, federalism, the Bill of Rights, and judicial review.

Government under Law

Locke's legislature, though avowedly supreme, was supposed to keep within the bounds set by natural law as well as "promulgated established law." But these limitations, like the right of revolution, were parchment barriers. The American Constitution makes the idea of higher law a truly operative principle. Madison cited "the distinction, so well understood in America, but little understood in any other country, . . . between a constitution established by the people and unalterable by government and a law established by government and alterable by government." He noted that: "Even in Britain where the principles of political and civil liberty have been most discussed, it is maintained that the authority of the parliament is transcendent and uncontrollable."[52] Not so in America.

"Superiority of the Constitution," James Wilson declared, means "control in *act*, as well as right." "To control the power, and conduct of legislatures, by an over-ruling constitution," Wilson told the Pennsylvania ratifying convention, "was an improvement in the science and practice of government reserved for the American states."[53] For Oliver Ellsworth, third chief justice of the United States, the Philadelphia Convention's signal achievement was the substitution of "coercion of law" for the "coercion of arms."

For the first time in history two levels of law were recognized and put into practical effect: the higher law of the Constitution, which the people alone could make and unmake; and statutory law, to be made and unmade within limits imposed by the Constitution. Locke had hinted at this idea, as had Lord Coke. It had been broached in the early 1760s by James Otis and others on this side of the Atlantic. But in not one state, following independence, did a constituent assembly meet and establish a new government. None of the new constitutions was an act of constituent power, in accord with the idea Jefferson adumbrated in the Declaration of Independence.

"There was never any sovereign government in America,"[54] Woodrow Wil-

[51] Resolutions relating to the Alien and Sedition Laws, 1798. Ford, *Works of Thomas Jefferson*, Vol. 8, p. 475.

[52] *The Federalist*, No. 53.

[53] Elliot, *The Debates*, Vol. 2, p. 406.

[54] W. Wilson, *Constitutional Government in the United States* (New York, 1907), p. 146.

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son said. Government under law was not a new idea. Aristotle, universal wise man of all time, had anticipated it. Among others, he had the idea. Article 6, paragraph 2, embodies this concept. To be recognized and accepted as "the supreme law of the land," the laws of the United States and of the states must be passed "in pursuance of" the Constitution.

Separation of Powers

No man, no government official, high or low, can escape the Constitution's limitations. Written restrictions, though important, do not suffice. "You may cover whole skins of parchment with limitations," John Randolph said, "but power alone can limit power."[55]

By 1787, experience had demonstrated that the primary control—"dependence on the people," the ballot—was not enough. Noting that "the science of politics," since 1776, had "received great improvement," Hamilton listed as "wholly new discoveries the regular distribution of power into distinct departments of government, the introduction of legislative balances and checks; the institution of courts composed of judges holding their offices during good behavior, the representation of people in the legislature by deputies of their own election."[56]

A mutually checking arrangement governs the legislative branch. The Senate acts as an "impediment against improper acts of legislation" in the House of Representatives and vice versa. The president's veto provides a barrier against oppressive legislation by both Houses. Though often restrained from engaging in "unjustifiable pursuits" by "apprehension of congressional censure," the president is also subject to impeachment. Hamilton proudly pointed to this provision as a vast improvement over the British system where "the person of the King is sacred and inviolable." He is "amenable to no constitutional tribunal, no punishment without involving the crisis of a national revolution."[57] America runs no such risk. The president may be impeached and removed from office and thereafter be liable to prosecution and punishment in the ordinary courts of law. Hamilton praised the provision for impeachment (until 1974 considered more or less moribund) as substituting "the mild magistracy of the law for the terrible weapon of the sword."

In support of this realistic approach, the framers invoked Montesquieu's *Spirit of the Laws* and his key to liberty—separation of powers. "Every man invested with power," the French nobleman had written, "is apt to abuse it. . . . There can be no liberty where the legislative and executive powers are united in the same person or body of magistrates."[58] For Madison, "no principle" was of "greater intrinsic value." Subscribing to it, he wrote:

[55] W. C. Bruce, *John Randolph of Roanoke*, Vol. 2 (New York, 1922), p. 211.
[56] *The Federalist*, No. 9.
[57] Ibid., No. 69.
[58] Montesquieu, *Spirit of Laws*. Quoted in Mason, *Free Government in the Making*, p. 45.

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> The great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be commensurate to the danger of attack. Ambition must be made to counteract ambition, . . . supplying by opposite and rival interests the defect of better motives.

Separation of powers is a misnomer. The Constitution separates organs of government; it fuses functions and powers. Montesquieu's principle, Madison explained, does not mean that various departments ought to have "no partial agency or no control over the acts of each other." The three departments must be "connected and blended." Otherwise the "degree of separation which the maxim requires, as essential to free government, can never in practice be duly maintained." This "sacred maxim of free government" is "subverted" where "the *whole* power of one department is exercised by the same hands which possess the *whole* power of another department."[59]

Montesquieu's "political truth," sanctioned with "the authority of countless patrons of liberty" (Madison's words), was incorporated in the Constitution. The idea was not new. America institutionalized it.

Federalism

Federalism, America's nearest approach to a unique creation, is another device for obliging government to control itself. It is a dual system in which two authorities, nation and states, govern the same territory and the same people, each supreme in its own sphere, neither supreme within the sphere of the other. Just as the states would naturally resent encroachments by national authority, so the central government would protect the people from the tyranny of their own state governments. Citing the provision of the Constitution which guarantees each state a republican form of government, Madison echoes a Lockean refrain: "existence of a right to intervene will generally prevent the necessity of exerting it."[60] But there is always the possibility that encroachments may be carried so far as to provoke an "Appeal to Heaven." Anticipating this eventuality, Hamilton wrote:

> The State legislatures, who will be not only vigilant but suspicious and jealous guardians of the rights of the citizens against encroachments from the federal government, will constantly have their attention awake to the conduct of the national rulers, and will be ready enough, if anything improper appears, to sound the alarm of the people, and not only to be the voice, but if necessary, the *Arm* of their discontent.[61]

Hamilton faced up to the possibility of violent conflict, but played it down,

[59] *The Federalist*, Nos. 47 and 48.
[60] Ibid., No. 43.
[61] Ibid., No. 26.

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arguing that countervailing forces alone would suffice to preclude resort to force: "The extreme hazard of provoking the resentments of the state governments, and a conviction of the utility and necessity of local administrations for local purposes, would be a complete barrier against oppressive use of such a power."

In light of profound concern among antifederalists, Madison and Hamilton's reassurances, even then, must have seemed strained. Yet Hamilton bore down on the point: "It may safely be received as an axiom of our political system, that the State governments will, in all possible contingencies, afford complete security against invasions of public liberty by the national authority."[62] The Civil War tragically belied these confident expectations.

Bill of Rights

As the Constitution came from the hands of the framers, the powers of the national government were enumerated but not defined. Without specification or definition, other powers were reserved to the states or to the people. The Constitution was drafted, submitted to state conventions, and ratified without a Bill of Rights. While the states pondered ratification, Jefferson urged specific restraints on national authority. Arguing that "a bill of rights is what the people are entitled to against every government on earth," he insisted that natural rights "should not be refused or rest on inference."[63]

Alexander Hamilton and James Wilson demurred. Both contended that a bill of rights was unnecessary. Why make exceptions to power not granted? "In a government of enumerated powers," Wilson declared, "such a measure would not only be unnecessary, but preposterous and dangerous." For Hamilton, bills of rights "would sound much better in a treatise on ethics than in a constitution of government."[64]

Thanks to Jefferson, these arguments did not prevail. Insisting on curbs over and beyond structural checks, he advocated "binding up the several branches of the government by certain laws, which when they transgress their acts become nullities." This would "render unnecessary an appeal to the people, or in other words a rebellion on every infraction of their rights."[65] When a reluctant James Madison[66] yielded to Jefferson's plea for a bill of rights and deduced supporting reasons, Jefferson singled out the argument of "great weight" for him—the legal check it puts in the hands of the judiciary.[67]

Once again, America owed a heavy debt to the past. The idea of natural rights

[62] Ibid., No. 28.

[63] Jefferson to Madison, December 20, 1787. Quoted in Mason, *Free Government in the Making*, p. 319.

[64] *The Federalist*, No. 84. For Wilson's negative views on a bill of rights, see Elliot, *The Debates*, Vol. 2, p. 408ff.

[65] Quoted in Mason, *Free Government in the Making*, p. 168.

[66] Mason, *The Supreme Court*, p. 51.

[67] Said Jefferson: "In the arguments in favor of a declaration of rights, you omit one which

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was not new. It came to America most directly from Locke. These fundamental maxims of a free society gained no greater moral sanction by incorporation in our basic law, but individuals and minorities could thereafter look to courts for their protection. Rights, formerly natural, became civil.

Judicial Review

For peaceful resolution of controversies, whether among the three branches of the national government or between the central authority and the states, Hamilton and Madison, and the Founding Fathers generally, relied on the Supreme Court. "One court of supreme and final jurisdiction," Hamilton observed, is "a proposition . . . not likely to be contested." In a flash of remarkable foresight, he suggested that discharge of its responsibilities would "have more influence upon the character of our governments than but few may imagine."[68] Madison considered judicial review helpful in warding off conditions that might lead to rebellion. "Some such tribunal is clearly essential," he declared, "to prevent an appeal to the sword, and a dissolution of the compact; and that it ought to be established under the general, rather than under the local governments is a position not likely to be combated."[69]

It was not to be supposed, Hamilton observed, "that the Constitution could intend to enable the representatives of the people to substitute their *will* to that of their constituents." Accordingly, courts "were designed to be an intermediate body between the people and the legislature, in order, among other things to keep the latter within the limits assigned to their authority."[70]

John Marshall, destined as fourth chief justice of the United States to enforce Hamilton's ideas as the law of the land, had envisioned judicial review as an alternative to revolution. "What is the service or purpose of a judiciary," he inquired in the Virginia Ratifying Convention, "but to execute the laws in a peaceful, orderly manner, without shedding blood, or creating a contest, or availing yourselves of force? . . . To what quarter will you look for protection from an infringement on the constitution, if you will not give the power to the judiciary? There is no other body that can afford such a protection."[71]

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has great weight with me, the legal check which it puts into the hands of the Judiciary." Jefferson to Madison, March 15, 1789. Boyd, *Papers of Thomas Jefferson*, Vol. 12, p. 659.

[68] *The Federalist*, No. 81.

[69] Ibid., No. 39.

[70] Ibid., No. 78.

[71] Elliot, *The Debates*, Vol. 3, p. 503.

"A fear of popular majorities lies at the very basis of the whole system of judicial review, and indeed our entire constitutional system." E. S. Corwin, "The Supreme Court and the Fourteenth Amendment," *Michigan Law Review*, 7 (1909), 643, 670. Charles Evans Hughes expressed the same idea: "We protect the fundamental rights of minorities, in order to save democratic government from destroying itself by the excess of its own power." Hughes, *Proceedings in Commemoration of the 150th Anniversary of the First Congress*, H. R. Doc. No. 212, 76th Cong., 1st Sess. (1939), p. 32.

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Judicial review is the most conspicuous weapon in the arsenal of devices for substituting "the mild magistracy of the law" for "the terrible weapon of Force." Not expressly authorized by the Constitution, an auxiliary of all other "auxiliary precautions," it was taken for granted in 1787 and for nearly a century thereafter. For the framers of the Constitution, judicial review rested "upon certain general principles [government under law, separation of powers, federalism, Bill of Rights] which in their estimation made specific provisions for it unnecessary."[72] Not until after 1890 when judicial *review* became judicial *supremacy* did the legitimacy of judicial review become a topic for scholarly research.

Distrust of government in all its branches and at all levels is free government's dominant characteristic. Courts are the only apparent exception. "No one says anything against judges," Edmund Randolph commented in the Virginia Ratifying Convention.[73] "Were I to select a power which might be given with confidence," Madison observed in the same forum, "it would be judicial power."[74] As a member of the first Congress, Madison, introducing the Bill of Rights amendments, declared that courts would be "an impenetrable bulwark against every assumption of power in the Legislative or Executive."[75] Jefferson, later Chief Justice Marshall's archcritic, initially believed that the courts, "if rendered independent . . . merit confidence for their learning and integrity."[76]

But the judiciary, like other organs of government, is limited and sometimes the target of distrust. From Justice Stone, a knowledgeable and sophisticated jurist, comes one of the most astonishing comments in the annals of the Supreme Court. In an otherwise trenchant dissenting opinion, he wrote: "While unconstitutional exercise of power by the executive and legislative branches of the government is subject to judicial restraint, the only check upon our own exercise of power is our own sense of self-restraint."[77] There are, in fact, various restraints on the judiciary, formal and informal, including impeachment and threat of court-packing. When its restraining power affects vital issues of the day as under Jefferson, Lincoln, the two Roosevelts, and Lyndon Johnson, the Supreme Court falls under criticism and control as defying the all-important element in our constitutional tradition—distrust of power as such.

On occasion, the Supreme Court as an alternative to Locke's "Appeal to Heaven" has been disappointing. In 1857, a sharply divided Court outlawed the Missouri Compromise[78] and thus helped to precipitate the Civil War. In the late 1960s and early 1970s, several unsuccessful efforts were made to test the constitutionality of the Vietnam war. Justices Douglas and Stewart protested

[72] E. S. Corwin, *The Doctrine of Judicial Review* (Princeton, N. J., 1914), p. 17.

[73] Elliot, *The Debates*, Vol. 3, p. 208.

[74] Ibid., p. 487.

[75] *Annals of Cong.* [1789–90], Vol. 1, pp. 432, 439.

[76] Jefferson to Madison, March 15, 1789. Quoted in Mason, *Free Government in the Making*, p. 323.

[77] Justice Stone, dissenting in *United States* v. *Butler*, 297 U.S. 1 (1936), 79.

[78] *Dred Scott* v. *Sanford*, 19 How. (1857), 393.

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the Court's denial of certiorari in a case which might have dealt with the president's power to wage an undeclared war. Three soldiers had rejected duty in Vietnam, contending that the war was illegal and immoral. Said Justice Stewart: "These are large and deeply troubling questions. . . . We cannot make these problems go away simply by refusing to hear the case of three obscure Army privates. I intimate not even tentative views upon any of these matters, but I think the Court should squarely face them by granting certiorari and setting this case for argument."[79] In 1970, Massachusetts went to extraordinary lengths to obtain a judicial ruling on a war neither initially authorized nor subsequently ratified by Congress, except by the Tonkin Gulf Resolution. Proceeding as *parens patriae*, the state passed a law designed to protect its citizens from forced participation in combat or support of combat troops in Vietnam. Acting under this statute, Massachusetts sought leave to file a bill of complaint against Secretary of Defense Laird in the Supreme Court's original jurisdiction. Against the objections of Justices Douglas, Harlan, and Stewart, the Supreme Court denied the motion.[80]

Deeply disturbed, Justice Douglas expressed his concern in *Points of Rebellion*, published in 1970. No longer responsive to human needs, government had become, he argued, "a police state in which all dissent is suppressed or rapidly controlled." Drawing a dramatic parallel with 1776, Douglas concluded: "George III was the symbol against which our Founders made a revolution now considered bright and glorious. . . . We must realize that today's Establishment is the new George III. Whether it will continue to adhere to its tactics [of suppression], we do not know. If it does, the redress, honored in tradition, is also revolution."

Right of Revolution Institutionalized

Neither the Declaration of Independence nor the Constitution was designed to end the revolutionary cycle. The "exercise of an original right of the people," "a very great exertion not frequently to be repeated" (Chief Justice Marshall called it),[81] the Constitution was "intended to endure and to be adapted to the various crises in human affairs."[82] American constitutionalism can be fairly viewed as a series of limited revolutions. Besides the doubleheader, 1776 and 1787, there is the "Revolution of 1800," so labeled by Jefferson himself. It was "not effected by the sword," he observed, "but by the rational and peaceful instrument of reform, the suffrage of the people."[83] Other revolutions followed:

[79] *Mora* v. *McNamara*, 389 U.S. 934 (1967), 935.
[80] *Massachusetts* v. *Laird*, 400 U.S. 886 (1970).
[81] *Marbury* v. *Madison*, 1 Cranch 137 (1803), 176.
[82] *McCulloch* v. *Maryland*, 4 Wheat. 316 (1819), 415.
[83] To Spencer Roane, September 16, 1819. Ford, *Works of Thomas Jefferson*, Vol. 12, p. 136. Quoted in Harris Mirkin, "Judicial Review, Jury Review and Right of Revolution against Despotism," *Polity*, 9 no. 1 (Fall 1973), 39.

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the Jacksonian revolution, the constitutional revolution of the 1890s, when judicial *review* became judicial *supremacy*, the Roosevelt revolution, the Warren Court revolution.[84]

For James Iredell of North Carolina, "one of the greatest beauties of the American system was revolution by Amendment. Without it, the people would have to bring about amendments more or less by civil war."[85] Recognizing the inevitability of social and economic transformations, sometimes of revolutionary dimensions, Madison declared in *Federalist*, No. 41: "A system of government, meant for duration, ought to contemplate these revolutions, and be able to accommodate itself to them." With one exception—the Civil War—all occurred without violence, within the bounds of law.

The *Federalist*'s authors did not close their eyes to the possibility of "mortal feuds," "conflagrations through a whole nation," which "no government can either avoid or control."[86] "It is a sufficient recommendation of the federal Constitution," Madison argued, "that it diminished the risk of a calamity, for which no possible constitution can provide a cure."[87]

The Constitution demonstrates the power of reason in statecraft. The Civil War proved its limitations. By 1860, it became clear that the framers' most significant creation—federalism—carried within it an irreconcilable ambiguity. Madison had fashioned federalism's blueprint six weeks before the Philadelphia Convention assembled. Anticipating, on April 8, 1787, that "some leading propositions would be expected from Virginia," he wrote Governor Edmund Randolph:

> I hold it for a fundamental point, that an individual independence of the States is utterly irreconcilable with the idea of an aggregate sovereignty. I think, at the same time, that a consolidation of the States into one simple republic is not less unattainable than it would be inexpedient. Let it be tried, then, whether any *middle ground* can be taken, which will at once support a *due supremacy* of the national authority, and leave in force the local authorities so far as they can be *subordinately useful*.[88]

An architect would hesitate to begin construction of a house with drawings so imprecise as Madison carried to the Constitutional Convention. But the delegates were in Philadelphia not to build a house but to erect a federal system of government—union without unity. Their handiwork, though in close accord with the Madisonian model, proved inadequate.

[84] Functioning as a "revolutionary committee," the Court may have "saved the country from a far more dangerous and disorderly change." Adolf Berle, *The Three Faces of Power* (New York, 1967), pp. vii–viii. See also Archibald Cox, *The Warren Court: Constitutional Decision as an Instrument of Reform* (Cambridge, Mass., 1968), p. v.

[85] Elliot, *The Debates*, Vol. 4, p. 182.

[86] *The Federalist*, Nos. 16 and 43.

[87] Ibid., No. 43.

[88] Madison to Edmund Randolph, April 8, 1787. Quoted in Mason, *Free Government in the Making*, pp. 192–193. Italics added.

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Just as years of debate preceding independence proved powerless to resolve the issue of sovereignty between Britain and the colonies, so decades of discussion on the political platform, in Congress, in the hustings, and the Supreme Court were unable to tame *imperium in imperio*.

America's "Appeal to Heaven"

In *Federalist* No. 22, Hamilton had denounced as "gross heresy" the notion that "a party to a *compact* has a right to revoke that *compact*." Nullification and secession—state sovereignty asserted in its boldest form—proclaimed the heresy Hamilton deplored. The constitutional response was the Civil War amendments, particularly the Fourteenth. Framed in the most sweeping terms by a radical Republican Congress, the latter was designed, apparently, to clip the wings of state sovereignty, once and for all. Directed explicitly to the state, that amendment declares that "no state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction equal protection of the laws." The apparent intention was to make the first eight amendments binding on the states and enforceable by Congress and the federal courts.

Yet in the first case[89] involving this amendment, the Supreme Court emasculated its major provisions—"privileges and immunities," "due process," "equal protection." For a majority of six, Justice Miller's explanation borders on apology:

> The argument we admit is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. But when, as in the case before us, these consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the state governments by subjecting them to the control of Congress, in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character; when, in fact, it radically changes the whole theory of the relations of the State and Federal governments to each other, and both of these governments to the people; the argument has a force that is irresistible, in the absence of language which expresses such a purpose too clearly to admit of doubt.[90]

Justice Miller's sensitivity to a theory of federal-state relations, presumably established in 1789, is such that despite the amendment's all-embracing injunctions against state power vis-à-vis individual rights, he shrinks from the belief that the Congress, which framed the Fourteenth Amendment, intended to alter that relationship. Any such change even by amendment, seemed suspect. In a vehement dissenting opinion, Justice Field charged that the Court's restrictive

[89] *Slaughter-House Cases*, 16 Wall. 36 (1873).
[90] Ibid., p. 78.

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interpretation reduced the Fourteenth Amendment to "a vain and idle enactment, which accomplished nothing."[91]

When the Civil War was over, the Supreme Court was confronted with the practical question—whether during that conflict Texas was out of the Union. Chief Justice Chase replied in the negative, fashioning a theory of federalism that practically restates the Madisonian formula of 1787:

> The preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National government. The Constitution, in all its provisions, looks to an indestructible Union of indestructible States.[92]

By judicial fiat, if not by constitutional amendment, America's "Appeal to Heaven" left federalism virtually intact. A theory of the Union which reason could not establish was won by resort to force. What John Quincy Adams said of the Constitution was equally applicable to the Union. It had to be "extorted from the grinding necessities of a reluctant nation."[93] Justice Holmes, himself a soldier in Lincoln's army, understood the subtleties involved:

> When we are dealing with words that are also a constituent act like the Constitution of the United States, we must realize that they [the framers] have brought into life a being the development of which could not have been foreseen completely by the most gifted of its begetters. It was enough for them to realize or to hope that they had created an organism; it has taken a century and has cost their successors much sweat and blood to prove that they created a nation.[94]

A Flexible Creation for Fallible Men

We return to Madison's boast: revolution without parallel; fabrics of government without a model. The Father of the Constitution was right on both scores. That twofold effort established free government. Its meaning, strength, and inescapable risk are rooted in human nature. "Man's capacity for Justice," theologian Reinhold Niebuhr observed, "makes democracy possible, but man's inclination toward injustice makes it necessary."[95] Society is torn not only by conflict between men of good will and mutual assistance, on the one hand, and the vicious and degenerate on the other, but also by a more baffling struggle

[91] Ibid., p. 96.

In the years ahead, ironically, the Supreme Court was destined to play the role it had spurned in 1873—"perpetual censor" of state legislation under the Fourteenth Amendment. See, in this connection, A. T. Mason, *Security Through Freedom: American Political Thought and Practice* (Ithaca, N. Y., 1955), pp. 28–41.

[92] *Texas* v. *White*, 7 Wallace 700 (1869), 725.

[93] *The Jubilee of the Constitution*, p. 55.

[94] *Missouri* v. *Holland*, 252 U.S. 416 (1920), 433.

[95] R. Neibuhr, *The Children of Light and the Children of Darkness* (New York, 1944), p. xi. Neibuhr's thought was inspired by Paul's Epistle to the Romans, 7:18–25.

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raging within each individual. "For the good that I would I do not: but the evil which I would not, that I do" (Romans, 7:19). The Constitution reflects this dualism. It grants and limits power.

The Founding Fathers did not postulate goals obtainable only if men were sinless. "If angels were to govern men," Madison commented "neither external nor internal controls on government would be necessary."[96] Hamilton warned that "the supposition of universal venality is little less an error in political reasoning than the supposition of universal rectitude."[97] The major objective was to fashion a constitutional system in which both aspects of man's nature could find expression.[98]

Not even unqualified majority rule is a safe guardian of inextricably related values, liberty and restraint.[99] Without ignoring ends, the Constitution stresses means. The framers endorsed the seemingly fatalistic view that free government "is a method of finding proximate solutions for insoluble problems."[100]

In 1787, Hamilton applauded the "great improvements" made in "the science of politics."[101] Among other things, he noted the distribution of powers among the various organs and agencies of government. But Madison cautioned that "no skill in the science of government" had been able "to discriminate or define with sufficient certainty the different provinces of government."[102]

Constitutional lines of demarcation, whether between national government and state, among president, Congress, and Court, or that most precious barrier circumscribing power at all levels vis-à-vis individual rights, are not drawn with mathematical exactness. For Madison, it was "a melancholy reflection" that liberty would "be equally exposed to danger whether the government have too

[96] *The Federalist*, No. 51.

[97] Ibid., No. 76. Madison concurred: "As there is a degree of depravity in mankind which requires a degree of circumspection and distrust, so there are other qualities in human nature which justify a certain portion of esteem and confidence. Republican government presupposes the existence of these qualities in a higher degree than any other form." Ibid., No. 55.

[98] Ibid., No. 37.

[99] By 1787, the injustice of state laws and other excesses had brought "more into question the fundamental principle of Republican government, that the majority who rule in such governments are the safest Guardians both of the public Good and private rights." Madison, "Vices of the Political System of the United States." Quoted in Mason, *Free Government in the Making*, p. 171. See also *The Federalist*, No. 10.

[100] Niebuhr, *The Children of Light*, p. 118.

[101] *The Federalist*, No. 1.

[102] Ibid., No. 37. For Madison the methods of science are inappropriate in politics for three reasons: "complexity of the subject," "imperfection of the organ of perception," "inadequacy of the vehicle of ideas"—words. Rousseau, concerned lest the reader accuse him of self-contradiction, cited "poverty of language" as the excuse. *The Social Contract* (Everyman edition New York, 1913), p. 27n.

Commenting on the mechanical approach in the context of constitutional interpretation generally, Holmes wrote: "The provisions of a constitution are not mathematical formulas having their essence in their form; they are organic living institutions transplanted from English soil. Their significance is vital, not final; it is to be gathered not simply by taking the words and a dictionary, but by considering their origin and the line of their growth." *Gompers* v. *United States*, 233 U.S. (1914), 604, 610.

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much or too little power, and that the lines which divide these extremes should be so inaccurately defined by experience."[103] The imponderable nature of politics and the ever-present imperatives time and circumstance suggest that the effort to draw precise constitutional dividers would have been fruitless, even if tried. The framers knew the "dangers of a delusive exactness."

"The lines of politics," Edmund Burke declares, "are not like the lines of mathematics. They are broad and deep as well as long. They admit of exceptions; they demand modifications. No lines can be laid down for civil or political wisdom. They are a matter incapable of exact definition."[104] Distribution of powers among distinct departments and levels of government, along with the fusion of power and functions, creates tension—"vibrations of power," Hamilton called it, "the genius of our government."[105]

The enduring lesson of American history is that opposition, freedom to disagree, protest, dissent, built into the organization and structure of our constitutional system, are its lifeblood. Criticism of official conduct, Madison said, "is the duty as well as the right of intelligent and faithful citizens." Society is entitled to the advantages of such criticism, and so are would-be usurpers of power. Divergence of opinion quickens our notion of the common interest. "If there were no different interests," Rousseau commented, "the common interest would barely be felt, as it would encounter no obstracles; all would go of its own accord, and politics would cease to be an art."[106] Enemy lists, ruthless elimina-

[103] Madison to Jefferson, October 17, 1788. Hunt, *Writings of James Madison*, Vol. 5, p. 274.

For certain of the most liberal Supreme Court justices, the Bill of Rights does not draw constitutional lines with absolute precision. See Justice Holmes's qualifications, *Schenck* v. *United States*, 249 U.S. 47 (1919), 52; *Frohwerk* v. *United States*, 249 U.S. 204 (1919), 206. In a broader context, Holmes commented: "A word is not a crystal, transparent and unchanged, it is the skin of a living thought and may vary in color and content according to the circumstances and the time in which it is used." *Towne* v. *Eisner*, 245 U.S. 418 (1918), 425. See Justice Brandeis in *Whitney* v. *California*, 274 U.S. 357 (1927), dissenting, p. 373; Justice Douglas, dissenting in *Dennis* v. *United States*, 341 U.S. 494 (1951), 585. See also Walter Lippmann, *The Public Philosophy* (New York, 1956), p. 132.

[104] Quoted in A. T. Mason, "Politics: Science or Art?" *Southwestern Social Science Quarterly*, December 1935, p. 3.

[105] Hamilton to Rufus King, February 3, 1802. Henry Cabot Lodge (ed.), *The Works of Alexander Hamilton*, Vol. 10 (New York, 1904), p. 439.

In *The Federalist*, No. 83, Hamilton wrote: "The truth is that the general *Genius* of a government [identified as 'vibrations of power'] is all that can be substantially relied upon for permanent effects."

[106] Rousseau, *The Social Contract*, p. 25n.

"He that wrestles with us," Edmund Burke observes, "strengthens our nerves and sharpens our skill. Our antagonist is our helper. . . . Time is required to produce that union of mind which alone can produce all the good we aim at." *Reflections on the French Revolution*, pp. 105, 108.

For John C. Calhoun *The Federalist* highlighted divergence of opinion, accommodation, and compromise, convincing him that "this admirable constitution of ours . . . is superior to the wisdom of any or all of the men by whose agency it was made. The force of circumstance, and not foresight or wisdom, induced them to adopt many of its wisest provisions." R. K. Cralle (ed.), *The Works of John C. Calhoun*, Vol. 4 (New York, 1888), p. 417.

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tion of opposition and dissent are less demanding than the art of bringing differing minds into constructive accord.

Justice Holmes, declaring that the best test of truth is the power of thought to get itself accepted in the competition of the market of ideas, identified this as "the theory of our Constitution."[107] Earlier he had denied that the Constitution "is intended to embody a particular *economic* theory, whether of paternalism and the organic relation of the citizen to the state or of *laissez faire*." Anticipating the *political* theory enunciated many years later, he declared: "It is made for people of fundamentally differing views, and the accident of our finding certain opinions natural and familiar, or novel, and even shocking, ought not to conclude our judgment upon the question whether statutes embodying them conflict with the Constitution of the United States."[108] It may be, as Holmes said, that "the ultimate kingship"[109] belongs to the man who initiates fundamental ideas, but even these need to be tested by contact with others, especially by those inclined to disagree with them.

Like all ideals, political truth—justice—is unattainable. Consensus cannot be ranked as an ultimate. Truth and justice are goals to be striven for with the tacit understanding that they may not be reached.[110] "Sometimes new truth," Niebuhr remarked, "rides into history upon the back of an error."[111]

Essential to the successful operation of free government are mutual respect, accommodation, tolerance. The "healing balm of our Constitution," Jefferson warned, is that "each party should shrink from all approach to the line of demarcation, instead of rashly over-leaping it, or throwing grapples ahead to haul to hereafter."[112] With rare exceptions, Jefferson's recipe for avoiding an impasse between nation and state, among the various organs of our tripartite system, and between government at all levels and individual rights—has been followed. Confrontations, as in the Civil War and 1974, are the exception rather than the rule.[113]

[107] *Abrams* v. *U.S.*, 250 U.S. 616 (1919), 630.

[108] Dissenting in *Lochner* v. *New York*, 198 U.S. 45 (1905), 75–76.

[109] Mark DeWolfe Howe (ed.), *Holmes-Laski Letters*, Vol. 1 (New York, 1953), pp. 310–311.

[110] "Justice is the end of government," Madison wrote. "It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty is lost in the pursuit." *The Federalist*, No. 51.

[111] Niebuhr, *The Children of Light*, p. 75.

[112] Jefferson to Judge Roane, June 27, 1821. Ford, *Works of Thomas Jefferson*, Vol. 12, p. 203.

[113] Besides the Civil War, notable exceptions are the deadlock between the judiciary and the political branches of government in the 1930s, and the Nixon administration's betrayals. In 1935–1936, the Supreme Court, often by vote of five to four or six to three, transcending the undefined line set by the separation-of-powers principle, became a super-legislature. President Franklin D. Roosevelt, impervious to Jefferson's warning against "rashly overleaping" lines of demarcation, counterattacked with his Court-packing threat. Happily, the outcome was ambiguous. Both sides won; both lost. Roosevelt achieved judicial endorsement of his legislative program. Congress defeated Court-packing. If either had scored outright victory, the separation-of-powers principles would have been, by Madison's test, "subverted." The beneficiaries of this give-and-take outcome were the American people and free government.

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Constitution, structural checks, bill of rights—none of these safeguards nor all combined will render free government secure. In the Virginia Ratifying Convention of 1788, Madison warned: "To suppose that any form of government will secure liberty or happiness without virtue in the people is a chimerical idea."[114] In various ways and on many occasions, Jefferson pointed to its ultimate reliance—character and spirit of the people.*

[114] Elliot, *The Debates*, Vol. 3, p. 489.

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Mao Tse-tung's Leadership Style

LUCIAN W. PYE

By all standards, Mao Tse-tung belongs in the company of the few great political men of our century. Born and raised in the obscurity and restrictions of nineteenth-century rural China, he rose to assume the leadership of the Chinese Revolution, rule the largest population in the world with the most pervasive and intense government known in history, and finally has clung to life long enough to become the last of the political heroes of the great generation of World War II. His life spans the emergence of modern China and his character has shaped the manner and style of the Chinese Revolution.

To say that Mao Tse-tung has been the most revered and the most ecstatically worshiped man of the century may seem like paying him a slight compliment in the light of the awesome statistics of China. With some 800 million Chinese presumably holding Mao Tse-tung in absolute reverence as a demigod, what other mortal of our times can claim to be his competitor in popular appeal? Yet, Mao Tse-tung's appeal has reached far beyond the citizenry of his native land, however large. Few have not been touched by his existence, whether in admiration or hatred, in respect or scorn. His name has become the label for revolutionary extremists throughout the world, "the Maoists," yet it is Mao Tse-tung with whom leaders throughout the world seek audiences. The pope in one day admits to his presence more people than Mao Tse-tung grants audiences in a year. When Mao last appeared publicly, more than a million people expressed tumultuous joy, and since then the occasions for allowing a select few into his

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LUCIEN W. PYE is Ford Professor of Political Science at the Massachusetts Institute of Technology. He is the author of several books on comparative politics, dealing mainly with Asia and China, including the just published *Mao Tse-tung: The Man in the Leader* (Basic Books), from which this article is adapted.

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presence have been newsworthy throughout the world. The announcement that the American secretary of state has had a couple of hours of discussion with the chairman is a signal to all that the secretary has been favored, indeed, honored; and, of course, when a trip to China does not include a visit with the chairman, the universal interpretation is that favor is being withheld.

The extraordinary appeal of Mao Tse-tung is hard to identify. Some may suggest that it lies less in the man and more in the nature of Chinese society, for the Chinese do seem compelled to make all of their leaders into imperial figures. Yet, the fact remains that many non-Chinese, who have no affinity for his rural origins but represent a host of varied social and personal backgrounds, seem to find inspiration for their political lives in his words and his example.

What is the character of the man that lies behind all this greatness? Merely to raise the question is an act of sacrilege for many. For the Chinese and other worshipers of Mao and his thoughts, it is enough to dwell on his public virtues, read only hagiographies, and reject all else as being in bad taste. For his detractors, the whole spectacle is revolting, and Mao the man must be the devil behind the Chinese version of socialist totalitarianism. Yet between these extremes there are those who are honestly curious. These are the people to whom this article is addressed.

The public record reveals a man at home in rural China, a man of the peasantry, who knows the myths and folklore of traditional China. Yet, although he received a Confucian education, Mao was also part of the first full generation of Chinese to explore Western knowledge. From his rural isolation, he moved effectively into the chaotic, competitive world of Chinese student politics and revolutionary scheming. As soldier, ideologist, and planner, he became the symbolic leader of the Chinese Communist guerrilla struggle. As victorious ruler he was a visionary who looked beyond immediate problems of administration to the goals of a new society and to the molding of a new form of man. Chinese to the core, he also has been a principal shaper of our two contemporary international systems: His judgment helped to create the postwar world of two sharply divided blocs, and his decisions contributed to the 1970s concept of a more fluid and complex balance of states. His genius has thus extended from the era of China's first awakening, through the drama of World War II, the intense bitter struggles of the cold war, to a new era of the future, whose outlines we can barely perceive today.

In recent years, numerous attempts have been made to understand what lies behind the renown of Mao Tse-tung. Students of intellectual history, for example, have tried to suggest ways in which he has enriched Marxism; but while they have shown Mao to have been an astute, indeed shrewd, thinker, they have all had to concede that his ultimate claim to greatness does not lie in his work as a philosopher. Others have suspected that his reputation springs from his successes as a military strategist; but in spite of all their sympathetic effort, it is clear that Mao's genius lies elsewhere. Still other champions of Mao's fame have argued that he envisaged entirely novel goals for the economic order which

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would render obsolete all conventional ambitions for greater industrial and material well-being; but a careful review of Mao's policies makes it clear that he appreciates the near universal craving for higher standards of living and greater personal security.

The paradox of Mao Tse-tung is that while his claim to greatness is unassailable, in every specific sphere whether as philosopher, strategist, economic planner, ideologue or even world statesman, his qualities are not the match of his right to greatness.

The secret of his greatness lies elsewhere—in his extraordinary ability to understand, evoke, and direct human emotions and the innumerable ways in which he has used his own persona to command the sentiments and passions of others. In modern China the realm of emotions has been peculiarly problematical: In traditional Confucian China the essence of correct behavior was the complete mastery and indeed repression of passion, and especially aggression; but out of the frustrations of impotence in the modern world the Chinese have been responsive to the appeal for acts of public passion. The need to ritualize emotions as a means of controlling feelings contributed to the traditional Chinese appreciation of drama and theater; and the modern need to find expression for feelings has multiplied the numbers of those who want to be heroic and to find drama in their own lives.[1] Mao Tse-tung as a person has been uniquely capable of responding to this need of the times in China, for he is possessed of a personality that fits the definition of a "dramatizing" character whose skill lies in commanding the "immediate affective response in others."[2]

[1] For an analysis of the linkage between Chinese cultural patterns for controling aggression and the Chinese propensity for theatrical behavior see Lucian W. Pye, *The Spirit of Chinese Politics* (Cambridge, Mass., 1968), especially chap. 9.

[2] Lowell Dittmer with great insight has recognized that Mao's personality conforms to Harold Lasswell's definition of the "dramatizing" character, and that Liu Shao-ch'i was a model of Lasswell's "compulsive" character. See Lowell Dittmer, "Power and Personality in China," *Studies in Comparative Communism*, VII, nos. 1 and 2 (1974), 21–49; and Lowell Dittmer, *Liu Shao-ch'i and the Chinese Cultural Revolution* (Berkeley, Calif., 1974), chap. 6.

For our purposes it may be helpful to follow briefly Dittmer's lead and pin down more clearly Mao's "dramatizing" character by contrasting his style with that of Liu Shao-ch'i who as a "compulsive" personality was a "natural" opponent for Mao in the Cultural Revolution. Lasswell's description of his two generalized types of political men seem to fit perfectly the differences between Mao and Liu. "The dramatizing character may resort to traces of exhibitionism, flirtatiousness, provocativeness, indignation; but in any case all devices are pivoted around the task of 'getting a rise out of' the other person. . . . The compulsive inclines toward carefully defined limits and the well-worked-out ordering of parts; the dramatizer excels in scope and abundance of loosely classified detail. The hallmark of the former is the imposition of uniformity, while the latter tolerates diversity and excels in nuance. The compulsive desubjectivizes a situation, while the dramatizer remains sensitized to psychological dimensions; the one denies novelty, while the other welcomes it; one squeezes and compresses the dimensions of the human situation which the other complies with and allows to spread. The compulsive monotonizes the presentation of the self to the other, while the latter multiplies the faces and facades which can be presented to other persons." Harold D. Lasswell, *Power and Personality* (New York, 1948), p. 62.

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Since Mao's greatness lies so clearly in the realm of emotions, the problem of Mao Tse-tung is a problem in political psychology. To treat Mao merely as an intellectual or as a calculating strategist is to miss the essential dimensions of his historic role. Furthermore, if we are to understand how Mao came to be so successful in mobilizing the feelings of the Chinese, and of others, we must explore his own emotional world and discover the dynamics of his psychic relations with others.

When the story of modern China is systematically related to the activities of Mao, a key element of Mao's genius is immediately highlighted: his remarkable capacity to perform different, and even quite contradictory, roles at different times. As Mao took on the roles of peasant organizer, military commander, ideological spokesman, political strategist, and ruling statesman, he also vacillated between such contradictory public persona as fiery revolutionary and wise philosopher; dynamic activist and isolated recluse; preacher of the sovereign powers of the human will and patient planner who knows that history cannot be rushed.

The idea that Mao's greatness lies in the relationship between his own psychological needs and the psychological needs of masses of people is a part of Mao Tse-tung's political consciousness. When Mao saw Edgar Snow after the Cultural Revolution he confessed that the Chinese people had probably gone too far in attributing magical power to his thoughts, but then he added that there are times when there is a need for a personality cult, and that in human affairs one thing that will always exist is "the desire to be worshiped and the desire to worship."

With these words Mao identified the essential relationship between leader and follower: The politician serves a psychic function for the crowd just as the crowd performs a function for the politician. Leaders and followers are each dependent upon the other and they need to extract from the other something which fulfills their needs, and yet there is a peculiar singularity but vital difference in what each seeks. The desire "to worship" and the "desire to be worshiped" are symmetrical, but not similar sentiments.

Mao's insight into the needs of leaders and followers takes us directly to the essence of charismatic leadership. The need to worship taps the basic human need for dependency; the need to be worshiped goes to the core sentiment of narcissism; and, of course, dependency and narcissism have their common roots in infancy. The comforts of dependency and the exhilarations of narcissism are linked in the earliest of human experiences when the self has not been differentiated from others or from the environment, and when there is a confusion of omnipotence and helplessness. At that stage the distance is infinitesimal between the cries of weakness and vulnerability, and the joys of every wish becoming an instant command for attention. Out of this universal experience most people, in varying degrees, can sense that their hero's joy in being worshiped barely masks his anxieties over being ignored; and most leaders, in even more subtle degrees, can sense that lurking in the dependency of their followers is a

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mighty craving for potency, and that a people's sense of justice rests upon the infantile longing that their own inherent goodness will be rewarded by the blessing of their own total command of their situation. The followers can see their leader's psychic vulnerability, but they do not want to see through him for fear of destroying the memories of the only magic that ever worked in their lives. The capacity for the leader to tap his own narcissism reminds his followers that they too have their potential for greater goodness and strength.[3]

Out of the interplay of narcissism and dependency those who need to be worshiped and those who need to worship are linked together as each depends upon the other's vulnerabilities.[4] The charm of the great man is that we can see his capacity for both self-deception and for having fun with the public; the great man in turn is charmed and exhilarated that his actions can bring such exaggerated responses from the public. A Franklin D. Roosevelt could never completely hide his pleasure at being able to manipulate public passions, and the American public never completely hid their pleasure at being able to see through the self-satisfaction of their popular president. The great appeal of John F. Kennedy was based on a very human relationship in which his admirers appreciated his refusal to take himself too seriously, and he understood their readiness to be teased and humored. The key to why the sly element of the imposture inspires heroism in the viewer rather than disenchantment seems to be the universal human appreciation of narcissism. People can instinctively understand that the great man enjoys his sense of greatness, and they may respond in kind by relaxing their inhibitions about their own narcissistic urges and in their turn aspire to act in ways which rise above their humdrum roles.

Mao Tse-tung in a moment of self-revelation once wrote his wife a letter in

[3] The theory of narcissism, in grossly oversimplified form, holds that in earliest infancy when separation of ego and non-ego has not taken place, the ego is extremely weak, and anything pleasant is considered ego. The baby, if his environment is appropriately supportive, senses no differentiation between himself and the world, and thus he and his world are one, his every wish becomes a command, and his sense of his own goodness is the center of his magical universe. When he cannot relieve every pain by crying and hence commanding his world, he experiences deep frustrations, anxieties over his own goodness, and possibly the beginnings of guilt. Thus omnipotence and self-esteem are intimately linked to a longing for the "oceanic feeling of primary narcissism." Later after the child has developed a sense of his separate ego and differentiation between ego and non-ego has taken place, it is possible to revive the fantasy of being incorporated as one in the world, of recapturing the sense of omnipotence and inherent goodness that went with primary narcissism. It is this form of "secondary narcissism" which is the basis of the narcissistic personality, who is constantly in search of self-esteem (as in Lasswell's theory of the political man) that is the basis of our theory of the charismatic leader. Narcissism makes possible the focusing of tremendous psychic energies on the ego. For technical details about narcissism see: Sigmund Freud, "On Narcissism: An Introduction," in Ernest Jones (ed.), Joan Riviere (trans.), *Collected Papers* (New York, 1959), Vol. IV, pp. 30–59; and Otto Fenichel, *The Psychoanalytical Theory of Neurosis* (New York, 1945).

[4] I am indebted to discussion with Dr. Steve Pieczenik, M.D., for help in arriving at this concept of the *mutual exploitation of vulnerabilities* as the basis of the charismatic relationship between leader and followers.

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which he tellingly described his own personality as being part "monkey"—impish, quixotic, mercurial, unpredictable, and always quick to provoke, tease, and change—and part "tiger"—the lord and ruler who is fierce and dangerous, respected and feared by all.

This mixture of the monkey and the tiger, which gives an intriguing quality to Mao's behavior, leaves him free to maneuver. As the ideologue of willpower he suggests that his commitments are absolute; yet, his basic ambivalences make it possible for him to alter policies and dramatically change his positions.

There is no better starting point for delineating Mao's operational code than to note his psychological ambivalences which have made him *both* a romantic revolutionary and a calculating, pragmatic statesman. He sanctioned both the tumultuous Cultural Revolution and China's orderly reentry to world politics which was signaled by his invitation to President Richard Nixon.

Consistency versus Contradiction

A key question that needs to be asked about the world view of any political leader is whether he tries to be consistent in his statement and policies, and precise and logical in his basic mode of reasoning, or whether he tends to shift his position easily, accept the need to respect the realities of changing circumstances, and in his thinking be highly tolerant of ambiguities and contradictions.

Mao clearly belongs to the school that believes that consistency is the hobgoblin of the small mind. Throughout his career he has found it easy, and often enjoyable, to change his position and to give expression to various ambivalences. Indeed, the zigzags of Chinese policies over two decades seem to reflect in large measure Mao's bemusement with the very concept of contradictions. Some scholars have argued quite convincingly that the most striking characteristic of Mao's political thought is his fascination with the notion of contradictions.[5]

Of course, as both a Leninist and Marxist, Mao is expected to be flexible in tactics and committed to a dialectical view of history. And in his own philosophical writings Mao has concentrated to a large degree on the question of contradictions. Yet when reviewing Mao's use of the concept of contradictions it does not require any special perceptiveness about personal styles to recognize that Mao's fascination with contradictions has gone beyond that of most Marxists, and that his concept of the dialectic has at times been extraordinarily idiosyncratic, indeed to a point which would make it seem to be non-Marxian. There is nothing, for example, in the history of Marxism that would prepare one for the idea which Mao expounded to party cadres when he said: "Fearing and not fearing, being happy and being unhappy, solving problems and not solving them: this is dialectics. For instance, in waging war, at the beginning

[5] Benjamin Schwartz, *Ideology in Flux* (Cambridge, Mass., 1968), pp. 102–113; Stuart Schram (ed.), *Authority, Participation and Cultural Change in China* (New York, 1973), pp. 40–50.

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one is quite afraid, but the more he fights, the more courageous he becomes. Without having had several errors in line, we could not be so good today."[6]

In other statements Mao has revealed this same propensity to treat any pair of opposites—"good and bad," "hot and cold," "young and old"—as being in the same class as Marx's concept of dialectical materialism. Mao's enthusiasm for any example of the "unity of opposites" suggests that he has a benign view of pairs, more consistent with the traditional Chinese view of the "harmony" of the *yin* and the *yang* than with the conflict implicit in the notion of contradictions in Western Marxism.

On occasion, Mao has said explicitly that traditional Chinese thought is consistent with Marxism because it contained the notions of both the harmony of opposites and the dynamics of imbalance that are to him the essence of Marx's theory of contradictions and dialectics. "It is always so that people do not think alike. Imbalance is the law of universal progress. Mencius said: 'All things are not alike, and all things complement each other.' People do not think alike and yet it is possible to reach accord. Progress is made in a zig-zag spiral pattern."[7]

It would be wrong, however, to believe that Mao's concept of contradictions is merely a revival of traditional Chinese concepts. Mao has made his own modifications. For example, the classical Chinese pairs of opposites were vivid and immutable, poles of enduring differences. Mao, on the other hand, holds that little endures for anything can change into its opposite.

> Hard battle and rest and consolidation are the unity of opposites. This is the law. They also are mutually transformable. There isn't anything that is not mutually transformable. High speed turns into low speed, and low speed turns into high speed. Labor turns into rest, and rest turns into labor. Rest and consolidation, and hard battle are also like this. Labor and rest, and high speed and low speed also have identity. Getting out of bed and going to bed are also the unity of opposites. An old saying goes: "He who has slept for a long time thinks of getting up." . . . Sleeping transforms into getting up, and getting up transforms into sleeping. Opening a meeting transforms into closing a meeting. Once a meeting is opened, it immediately embraces the factor of closing the meeting.[8]

But Mao's attachment to the concept of contradictions becomes psychologically interesting when he uses it as a way of neutralizing subjects that we know are highly emotional to him, such as the relationship of sons and fathers, and husbands and wives. In one rambling recounting of the concept of dialectical contradictions, Mao revealingly suggested that it was possible to dismiss the inherent tensions of both generations and sexes by simply holding that the differences do not really exist: "Sons transform into fathers, and fathers trans-

[6] "Talk at the Hangchow conference of the Shanghai Bureau" (April 1957), *Miscellany of Mao Tse-tung Thought*, Part I, p. 65.

[7] Ibid., p. 80.

[8] "Examples of Dialectics (Abstractive Compilation)" (1959?), *Miscellany of Mao Tse-tung Thought*, Part I, p. 203.

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form into sons. Females transform into males and males transform into females. Direct transformation is not possible. But after marriage when sons and daughters are begotten, is that not transformation?"[9] By thus blurring distinctions, Mao wards off problems of a deeply personal nature. He has gone even further than just the matters of generations and sex, and has used the concept of contradictions as a comforting shield against the disturbing fact of the inevitability of death. At a party Congress Mao once spoke of how the Chinese people had a national affinity for Communism because of their instinctive appreciation of the "unity" of weddings and funerals, and by jesting about both, he stripped them of their customary emotional dimensions:

> There are red and white happy events. . . . The Chinese people consider weddings as red happy events and funerals white happy events. . . . The Chinese know dialectics. Weddings will produce children. A child is split out of the body of the mother. It is a sudden change, a happy event. One individual is split into two or three, or even 10, like planes off an aircraft carrier. [The Chinese word for aircraft carrier is "aviation mother-ship."] The common people find the occurrences, changes, and deaths of new matters happy events. When a person dies, a memorial meeting is held. While the bereaved weep in mourning, they feel it is also a happy event. Actually, it is. Just imagine if Confucius were still living and here at this meeting in Huai-jen Hall. He would be over 2,000 years old, and it wouldn't be so good.[10]

Beyond jesting, however, we have examples of Mao essentially denying the reality of death by his use of his version of the dialectic, which he seems to know to be different from the Soviet version of the dialectics. For example, he has written: "life and death are mutually transformable. Life transforms into death, and lifeless things transform into living things. . . . It is a natural law. . . . The Soviet Union's 'Concise Dictionary of Philosophy' takes upon itself to differ with me. It says that the transformation of life and death is metaphysical and that the transformation of war and peace is erroneous. Who is right after all?"[11]

Mao thus makes use of the concept of contradiction in numerous ways: At one moment he can be impish and cute as he plays with differences that are sobering to most people; at the next moment he can startle by suggesting that what others accept as normal differences are profound matters. By playing with contradictions he shocks others and, as the clever "monkey," he tears down distinctions and suggests that what is good is bad, and what is bad can be good.

One can see this spirit as he tells how,

> I once asked some comrades around me whether we lived in heaven or on earth. They all shook their heads and said that we lived on earth. I said no, we live in heaven. When we look at the stars from the earth, they are in heaven. But if there are people in the stars, when they look at us, wouldn't they think that we are in

[9] Ibid., p. 204.

[10] "Speech at the Second Session of the Eighth Party Congress" (May 17, 1958), *Miscellany of Mao Tse-tung Thought*, Part I, p. 112.

[11] "Examples of Dialectics (Abstracted Compilation)," p. 204.

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> heaven? Therefore, I say that we live in heaven while also on earth at the same time. The Chinese like the gods. I asked them whether we were gods. They answered no. I said wrong. The gods live in heaven. We live on earth, but also in heaven; so, why shouldn't we be considered gods also? If there were people in the stars, wouldn't they also consider us as gods? My third question was whether the Chinese were also foreigners? They said no, only the foreigners were foreigners. I said wrong, the Chinese were also foreigners, because when we consider the people of foreign countries as foreigners, wouldn't they also consider us as foreigners? It explains the superstitious ideas on this point.[12]

Yet at other times Mao has become sober and even threatening as he has talked about contradictions. That was clearly his mood when he mentioned that he himself has contradictions and that, "the world is full of contradictions. There is no place without contradictions."[13] Nor did he believe that contradictions were a laughing matter when he warned a conference of cadres that "Exposing contradictions may lead to settlement of problems; they should not be suppressed. *But if we tolerate contradictions, we shall be vanquished.*"[14]

Mao's use of contradictions thus covers a wide range of his style in making decisions. He is quick to identify issues and he conveys an awareness of his own boldness in fearlessly bringing into the open conflicts and contradictions. He also uses the concept of contradictions to tame problems and make them benign. And he uses contradictions both to tease and to threaten.

Approaches to Risk-Taking and Reason

Another important aspect of any leader's operational code is his approach to risk and his use of reason. How does he use reason as he faces the uncertainty of risk? Does he adopt the posture of judicious reasonableness to justify low-risk choices or does he modify the shock of high-risk decisions by enveloping them in a cloak of reasonableness? Or does he deny the importance of reason as he faces the uncertainty of risks and suggest that he has powers that exceed the limits of mere reason?

In recent years it has been customary to say that the Chinese Communists tend to be extreme in their rhetoric but cautious in action, particularly in the area of foreign affairs. Some have observed that in contrast to the Chinese caution in foreign policy, Peking, under Mao's direction, has vacillated from revolutionary experimentation to periods of consolidation.[15]

Readily available evidence suggests, however, that Mao's vacillations and

[12] "Speech at the Second Session of the Eighth Party Congress," p. 92.

[13] "Talk on Methods of Solidarity" (August 1964), *Miscellany of Mao Tse-tung Thought*, Part II, p. 405.

[14] "Interjections at Conference of Provincial and Municipal Committee Secretaries (Collected)" (January 1957), *Miscellany of Mao Tse-tung Thought*, Part I, p. 47. Italics added.

[15] Michel C. Oksenberg, "Policy Making Under Mao, 1948–68: An Overview," in John M. H. Lindbeck (ed.), *China: Management of a Revolutionary Society* (Seattle, Wash., 1971), pp. 105–106.

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contradictions have not generally taken this form. Mao's own rhetoric, for example, has not been extreme, and to the extent that he has been inclined to use aggressive language, it has generally been directed against immediate foes, often people in his audience whom he has singled out for caustic and sarcastic attack. It would be very hard to find any occasion when Mao Tse-tung dressed up a cautious decision in inflammatory rhetoric. On the contrary, if there is a consistent element in the zigzags of Mao's decision-making style, it is that he has almost invariably chosen bold options, but presented them as eminently reasonable decisions.

From the time of his first decisions as a political leader in the Kiangsi Soviet period and then during the Long March, Mao has consistently been bold and novel in his choices. One has the impression that, unlike most decision makers with great responsibilities, Mao more frequently than not passes over possibilities to hedge against failure, and decides instead on unpredictable courses of action. Whereas most statesmen live with a vivid dread of the penalties for failure, Mao has been attracted to the potentially great payoffs that can come from success against long odds. While most executives crave certainty and only "reasonable" risks, Mao has taken great gambles as though it were only reasonable to do so.

Mao's willingness to take risks seemingly is associated with a sense of omnipotence that leads him to expect that nothing is final—there will always be another chance. Consequently, while he may have had doubts about the present, he has always had to look with optimism to the future, where he can expect to capture (or recapture) what is missing in the present. Thus, talk about catching up with Great Britain in fifteen years, or catching up with America "before I go to see Marx" was not idle boasting, but a genuine expectation that the infinite promise of the future could become reality (as fantasy once seemed to do in the past).

The full documentation of Mao's propensity for bold choices would require a complete history of the Chinese Communist movement, and therefore, we need here provide only a few typical examples. After the gamble of the Long March, in the Yenan, Mao acted with great boldness not only in pushing guerrilla warfare but also in risking a major ideological rectification campaign at the height of the Japanese War. Then, in his maneuvering with the Nationalists prior to the actual civil war, Mao at each turn in the negotiations refused settlements that a more cautious leader might have seen as providing reasonable security for later political struggles. Finally, he risked all in a gamble for total military and political victory. As soon as victory came, Mao again made the bold choice of "leaning to one side" and went to Moscow for prolonged negotiations with Stalin. A more cautious leader would have sent lesser officials to test the negotiating climate. In domestic policies Mao, time after time, overruled the preferences for prudence among his colleagues and insisted on uncertain alternatives: It was Mao who personally pushed to speed up the tempo of land reform in 1950, who finally insisted on speeding up collectivization

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in 1955, and pushed for communization in 1958. From the Hundred Flowers Campaign of 1956 through the Great Leap of 1958 to the Cultural Revolution in 1966, Mao repeatedly took tremendous risks. In foreign policy the record of Mao's bold decisions extends from his choice to enter the Korean War to his decision to invite President Nixon to Peking and to deal with a government that for twenty years he had been indoctrinating his people to regard as the ultimate evil.

Mao's propensity for making startling decisions distinguished him from political leaders in general, and more specifically, from most other Chinese Communist high officials. One of the reasons why China has a debilitating succession problem today is that the political system has over the years overwhelmingly favored cautious actors who were able to survive because of skill in defensive maneuvering and in protecting their domains, and who did not have to aggressively build empires. Those who came to power with Mao in 1949 have generally cautiously sought to hold their own gains and not seek more. There has not been a great deal of mobility within Chinese officialdom and survival has gone with competence and not with success in climbing ahead of others. Although Mao has frequently spoken out about the need for cadres to take initiatives, to be constantly active, and not to slavishly adhere to dogma, his rhetoric has not altered the realities of power relationships or changed the fact that it has been Mao alone who has been free to practice high-risk decision making.

To a considerable degree, Mao has been able to mask his propensity for high-risk decisions by describing his choices as being self-evidently reasonable. There is little bravado or glorification of danger in Mao's statements of policy. Drama has been used to stimulate greater support for policies; but generally Mao defends his decisions with such reasonable language that he trivializes the very concept of risk.

Mao's style in the face of failure has been to withdraw, often with an accompanying complaint about illness, or to ignore the losses and proceed as much as possible, as though nothing had happened, or, if finally cornered, he will either shift the blame to others or vigorously defend his actions in highly personal terms.

At times, however, Mao has not been able to ignore failure, as when his own colleagues have questioned the wisdom of his initial decisions. On these occasions he has combined hurt withdrawal with aggressive and highly personal defenses of his actions. His mood can be that of the misunderstood and mistreated leader who has done his best and is not appreciated, and in the traditional Chinese style, then declare that they can be rid of him, but then, in a more un-Chinese manner, he may add a threat to withdraw and fight back. Possibly, the classic example of this aspect of Mao's style was the "three sleeping pills" speech at the Lushan Conference on July 23, 1959, when he was under severe attack for the failure of the Great Leap and of the commune movement. Mao came into the hall and took the stage late in the evening and declared, "You

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have spoken so much; permit me to talk some now, won't you? I have taken three sleeping pills. Still I can't sleep." In a sense he was saying that he had tried to "withdraw" but could not so now he would have to fight back. And fight back he did, declaring that, "Nobody can be without shortcomings, even Confucius had his mistakes.[16] I have seen Lenin's own drafts that have been corrected pellmell. If there were no errors, why should he correct them?" As Mao rambled on he made it clear that he was ready to draw the line and force the issue, but in a mood of self-pity, "You have said what you want to say. . . . If you have caught me in the wrong, you can punish me. Don't be afraid of wearing tight shoes. . . . The fact is that you have all refuted me though not by name perhaps." Finally, Mao came to his not so veiled threat: "When I was young and in the prime of life, I would also be irritated whenever I heard some bad remarks. My attitude was that if others do not provoke me I won't provoke them; if they provoke me, I will also provoke them; whoever provokes me first, I will provoke him later. I have not abandoned this principle even now." Mao coupled his threat with explicit allusions to how he was personally in the same class as Marx and Lenin. Then he ended on a note designed to shock: "Comrades, you should analyze your own responsibilities and your stomach will feel much more comfortable if you move your bowels and break wind"[17] [that is, make a clean slate of it].

On another occasion Mao's aggressive response to failure and criticism took the form of declaring to the Central Committee that, if they wished, they could take his wife and he would go to the hills again to raise another Red Army to oppose them.[18]

Close Control or the Delegation of Authority

A third consideration useful in arriving at a general understanding of the operational codes of public men is their basic style in administration. Do they act as chief executives who maintain day-to-day control over all possible operations, or are they inclined to delegate responsibilities? If they do delegate responsibilities, how do they assert their own authority?

The boldness of Mao's decisions in many cases was enhanced by his practice of not acting as a chief executive concerned with the day-to-day management of decisions. Mao's style, especially since 1949, has been to withdraw for periods, observe the process of government, reflect on what should be done, and then suddenly to intervene with his own ideas. Mao thus vacillates be-

[16] This is only one of innumerable references by Mao to Confucius which have become extremely embarrassing to the Chinese Communist party since the initiation in 1973 of the Anti-Confucius Campaign.

[17] "Speech at the Lushan Conference," *Chinese Law and Government*, I, no. 4 (Winter 1968–1969), 27–43.

[18] Roderick MacFarquhar, *The Origins of the Cultural Revolution: Contradictions among the People* (New York, 1974).

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tween reigning and ruling, which has the effect of exaggerating the novelty of his decisions, since they generally do not follow directly upon the sequence of decisions that would normally flow from executive administration of policies.

In many respects, Mao's style is reminiscent of the traditional role of Chinese emperors. For example, during periods of withdrawal Mao has quietly gone about the countryside inspecting at first hand the performances of lower officials, a practice similar to that of numerous emperors who sought first-hand facts by employing disguises when away from court. At other times Mao's orders have taken the form of marginal comments on documents that he has been given to read, which, again, was a normal way for emperors to give commands.

This style of withdrawal and intervention has clearly exaggerated the fluctuations of Chinese politics for if, as Michel Oksenberg suspects, "every important policy initiative over the past twenty years has been prompted by Mao,"[19] then every intervention by him has, in some degree, interrupted the previous flow of routine administrative decisions. Because Mao plays many roles in government, when he returns from a phase of withdrawal, it is never certain at what point in the total process his new initiatives will be interjected.

The style of reigning and ruling also contributes to the tendency of the entire governmental system to react dramatically to even the most casual intervention by Mao. Since he is not a part of the day-to-day process, any intervention becomes a major event which tends to stimulate widespread response throughout the ranks of the cadres. Sometimes the marginal comment Mao has made on a memorandum will be enough to stir massive bureaucratic reaction. At other times it is sufficient for him to issue cryptic slogans such as, "Agriculture is the base and industry the leading sector," or "Dig the tunnels deeper; store the grain everywhere; and don't seek hegemony." Mao himself claims that the exaggerated enthusiasm in spreading the communes in the summer of 1958 stemmed from a single word he gave to a reporter: "A reporter asked me: 'Is the commune good?' I said, 'Good,' and he immediately published it in the newspaper."[20] Certainly the decision was much more complicated than this, but Mao was probably also right that the report of his one word sent out the signal to cadres throughout the land that they should step up the pace of communization.

Mao's style suggests a broad vision, concern for grand matters, preference for the abstractions of policy over concrete details, curiosity for particular details but not for the welter of facts basic to administration. His manner also reflects a man who trusts the world enough to feel that he does not have to dominate to have his way, and who is confident enough in his own judgment to feel he can safely override the decisions of those who are closer to the facts.

Yet, some qualifications are in order, for his vacillation between reigning and ruling also reflects Mao's apparent ambivalences about being alone: at one moment he seems to need privacy and to seek regal isolation, and at the next he

[19] Oksenberg, "Policy Making Under Mao," p. 88.

[20] Quoted in ibid., p. 90.

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tends to complain that others have isolated him and ignored his wishes. During the phases of Mao's withdrawals others must manage affairs, and as they concentrate on the tasks at hand, Mao sometimes seems to feel left out and complains that others are not speaking to him. For example, in October 1966 Mao protested, "On many things I was never even consulted. . . . Teng Hsiao-p'ing never paid me a visit."[21] He further noted that after 1958 Liu Shao-ch'i and Teng Hsiao-p'ing, who were then managing the party, "treated me like their parents whose funeral was taking place," that is, showing formal deference but not speaking to him. Mao also once complained about being unable to be heard in the Peking area because the then mayor, P'eng Chen, controlled matters so completely that "no needle could penetrate, no drop of water could enter."[22]

Trusting Personal or Impersonal Relationships

Another closely related theme that helps to provide first approximations of leaders' operational codes is their preference for dealing with either formal and impersonal institutions or individuals with whom they have some personal ties. Some leaders feel most confident that their decisions will be properly executed if they are able to manage and orchestrate all the formal offices and departments executing policy. Other leaders feel comfortable only in dealing with an inner group of personally loyal followers. Mao Tse-tung clearly distrusts the impersonal relationships inherent in bureaucracies and seems to have a strong need to deal personally with those following his instructions. Mao's dislike of bureaucratism is too well known to need further comment, except to note that his hostility toward the impersonality of bureaucracies stems not just from the ways officials relate to the lower echelons of government but also from his frustrations at the top over commanding an impersonal structure. Mao constantly wants officials to be responsive not just to the people but also to himself. Consequently, even though he is not a line administrator and has not been a part of continuous day-to-day developments, he has often intervened to learn the names of lower officials, comment on their conduct, and thus convey the impression that he was personally informed about personnel.[23] In fact, his knowledge of lower functionaries must be quite spotty and based more on a review of names and performance records than on actual administrative experience.

Mao's dislike of impersonal relationships has also surfaced in the way he has impeded the institutionalization of much of the Chinese governing system, especially at the top level. In part, the problem arises from the fact that Mao wears many hats, and thus he understandably does not make in his own mind sharp distinctions among the various organs of decision making. On the other hand, Mao's erratic dealings with the cluster of formal committees, bureaus,

[21] Jerome Ch'en, *Mao* (Englewood Cliffs, N. J., 1969), p. 94.
[22] Quoted in MacFarquhar, *Origins of the Cultural Revolution*, p. 204.
[23] Oksenberg, "Policy Making Under Mao," p. 89.

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and offices in the capital has tended to blur the lines of responsibility among them. The paradox of Mao's behavior in personalizing these official relationships has produced a vague, formless, and almost mystical concept of ultimate authority that is signified by the term "the Center."

All kinds of matters in China, from economic management to political control, are said to involve decisions of the "Center," but the Chinese never make clear what or who the "Center" is. Sometimes it seems that it is nothing more than the appropriate ministry in Peking, while at other times it appears to be the Politburo or its Standing Committee, but at still other times the "Center" can be the Central Committee itself. Lower-level officials speak always of the "Center" when referring to Peking, but they seem to have no concrete sense of precisely whom it is they are talking about.

Popular versus Elite Style

Another distinction in operational codes is the preferences of leaders for either open or closed decision making, in the sense of either welcoming broader participation or preferring to involve only a select few. Although, on the surface, the differences might seem to be those between a popular or democratic and an elite approach, such a simple classification is not possible. A leader may be inclined toward broad participation because it dilutes the influence of competitors and enhances his own importance, while the apparently elitist approach can be consistent with decisions favoring broad interests.

Indeed, in Mao's style the vacillations between involvement and isolation, and between action and seclusion seem to be a part of his ambivalences over faith in the views of the masses and a decided preference for secrecy associated with elite councils.

Possibly no major leader in modern times has a more rightful claim to populist sentiments, for glorifying the masses and seeing in them wisdom and strength. At the same time, no other major leader in the world has practiced governance in such seclusion. As a decision maker Mao has suggested that he can simultaneously be a spokesman for the masses and an isolated oracle. He professes belief in the value for policy makers of constant, day-to-day interactions with common people, yet his life style since coming to power has been one of mainly mixing with the powerful. Thus, he combines sympathy for the weak with personal identification with power.

In more concrete terms Mao's populism takes the form of favoring rural people and distrusting city life. Thus, the "people" are not in his mind an educated, knowledgeable population full of curiosity and diverse views, but rather, simple, rustic, hardworking, conforming peasants who are anxious to improve themselves through their own exertions. Mao's glorification of rural life and attitudes is consistent with his well-known faith in the superiority of human effort over technology and his distrust of formal learning. Mao has long at-

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tacked formal schooling and "book learning" for others while surrounding himself with books.

Mao's ambivalences about populist involvement and elitist seclusion have been translated into his dual political approach of championing the "mass line" —that is, the principle of learning from the people what they need and want and then bringing back to them whatever is possible—and the principles of a Leninist elite party that has been carried to the ultimate extreme of making the entire Chinese decision-making process one of the most secret in the world. Even supposedly open events, such as meetings of party Congresses, are generally held in secrecy in response to surprise decisions of Mao and his few associates.

This feature of Mao's manner of decision making must again have roots in his personality, for his ambivalence seems to be extraordinarily complex. When he speaks of himself as being "alone with the masses" he seems to be clinging to his desire for isolation while identifying with a depersonalized public. Only by looking into his personality will it be possible to find explanations for his ability to idealize the people while protecting his own privacy.

Criticism and Conflict

A final dimension of any leader's style is his reactions to the conflicts inherent in politics and the ways in which he responds to attack and criticism. Some leaders are so self-confident that they rejoice in controversy and are impervious to personal attack. Others strive to rise above conflict and expect to be so respected that they will be spared direct criticism. Although great men tend to have large egos, there can be great diversity between those who value conflict or shy away from it, between those with thick and those with thin skins.

As with most dimensions of Mao's operational code, his style as decision maker appears to be based on ambivalence, for he has at one moment glorified conflict and welcomed clashes and confusion, while at the next moment displayed delicate sensitivities even to hints of criticism. Richard H. Solomon has documented extensively Mao's extraordinary readiness to take on fights, to rise above the traditional Chinese craving for harmony, and to accept fearlessly conflict and confusion.[24] Whereas most Chinese are anxious for order and dread disorder or *luan*, Mao seems to enjoy disruption and struggle.

Yet, at the same time, there is extensive evidence that Mao is hypersensitive to attack and senses even the most subtle hint of criticism. Instead of being a bruising fighter, he seems to be almost too thin-skinned for political life. Thus, Mao sometimes proclaims the value of having enemies, dismissing in an offhand manner the record of years of animosity, while at other times he bristles at even the most indirect suggestion of attack.

As early as 1939 Mao elaborated his view about the virtues of having foes in

[24] Richard H. Solomon, *Mao's Revolution and the Chinese Political Culture* (Berkeley, Calif., 1971).

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his short essay, "To Be Attacked by the Enemy is not a Bad Thing but a Good Thing."[25] In 1964 Mao recounted how a Japanese visitor sought to apologize for Japan's attack on China, but he had to interrupt to explain that without the war China never would have become an effective nation. "That is why I said to him (pause and smile) 'Should I not thank you instead?' "[26] On the other hand, the first sentence in Mao's *Selected Works* reads, "Who are our enemies, and who are our friends?"[27] In these opening words Mao echoes Lenin's proposition that the essential question for the party must always be: "Who will dominate whom?"—the "Who-Whom" issue which was at the heart of Lenin's view of the world.[28] With Mao, as with Lenin, the issue of friend and foe has always bulked large whether he was analyzing political relations within the larger society or his most personal relations with others.

Mao's well-known hypersensitivity to criticism has revived the old Chinese cryptic style of using esoteric historical allusions for critical comment. Chinese politics was traditionally rich in the use of allegory and indirect forms of criticism and attack. Historically, Chinese ministers, hoping not to offend or provoke anger, frequently used subtle references to past examples as a way of communicating to their emperors. Under Chairman Mao, however, the use of historic allegory has reached previously unknown heights.

These principal features of Mao's leadership style reflect both cultural and personal considerations. The style of Mao the public man has been that of both rebel and the provider of security. His extraordinary capacity to understand the emotions of others has made him appreciate the linkage between leadership and dependency. Mao's ability to mix the character of the "monkey" and the "tiger" and to play out in public his various ambivalences and psychological contradictions has been possible because he has not allowed his own emotions to become involved so as to "commit" himself to any particular objects, politics, or persons.

Our understanding of modern China can thus be greatly enriched by exploring Mao's personality, his particular set of defense mechanisms, and the ways in which he learned to handle his own emotions during his process of maturing. By examining his personality we also discover how his unique creative abilities have operated to make it so difficult for him to solve his final great political problem, the planning of his own succession.

[25] *Selected Readings from the Works of Mao Tse-tung* (Peking, 1967), pp. 130–132.
[26] One version of this event is reported in Solomon, *Mao's Revolution*, p. 205.
[27] *Selected Works of Mao Tse-tung* (New York, 1954), p. 13.
[28] See Nathan Leites, *The Study of Bolshevism* (New York, 1953).

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The United States Senate as a Presidential Incubator: Many Are Called but Few Are Chosen

ROBERT L. PEABODY
NORMAN J. ORNSTEIN
DAVID W. ROHDE

Walter Bagehot once defined a parliament as "nothing less than a big meeting of more or less idle people." In a similar mood one might be tempted to describe the contemporary United States Senate as little more than a halfway house for more or less ambitious presidential contenders. Fortunately, for most senators, for the Congress as an institution, and for the country, in general, the Senate remains much more than just an incubator for presidential aspirants. The overwhelming majority of the senators of both parties continue to pursue their traditional concerns: representing the people of their states; contributing to the resolution of policy issues through investigating and law making; taking care of the needs of their constituents; checking and balancing the other branches of government—in short, engaging in most of the routine activities which primarily define the job of a United States senator and, not too incidently, which enhance their chances for reelection every six years. While it might not be surprising to discover that most senators, at one time or another, entertain a "game plan" by which their political career culminates in the White House, fewer than one-tenth of the senators will ever act on these hidden ambitions to

ROBERT L. PEABODY is professor of political science at The Johns Hopkins University. He is the author or editor of several books on Congress including the recently published book, *Leadership in Congress: Stability, Succession and Change.* NORMAN J. ORNSTEIN is assistant professor of political science at the Catholic University of America. He is the editor of *Congressional Change: Evolution and Reform.* DAVID W. ROHDE is associate professor of political science at Michigan State University. His publications include *Supreme Court Decision-making* (coauthored with Harold Spaeth).

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the extent of announcing a candidacy, organizing a bid for higher office, or attempting to raise presidential campaign support. On rare occasions when the opposing party controls the White House, the incumbent chooses not to run and there is a scarcity of large-state gubernatorial contenders from their party, then a hoard of senatorial candidates may enter the fray. Thus, in the fall of 1971 and the spring of 1972, some ten Democratic senators or almost one-fifth of their membership, declared or were under strong consideration for the opportunity to oppose Republican President Richard M. Nixon in 1972.[1] But this would be the high point (some would say low point) of a pattern that has oscillated not just in recent decades, but from the beginning of the Republic.[2]

Admittedly, the Senate has been changing—indeed, has undergone quite dramatic shifts in its leadership, the composition of its members, modification of its norms and procedures, and emphasis on its principal activities and performances since World War II.[3] Nevertheless, the focus of this article is not so much on a wholesale shift in the numbers of senators running for the presidency, but rather the elaboration of a traditional Senate concern: namely, the identification and nurturing of potential vice-presidential and presidential candidates.

Fueling the ambition of contemporary senators—nothing succeeds like success—has been an impressive performance by senatorial contenders in the presidential and vice-presidential sweepstakes of recent years. Within a decade after the ratification of the Seventeenth Amendment (1913) resulting in the direct election of senators, they began to figure even more heavily in vice-presi-

[1] The ten Democratic senators who either declared their intention to run for the presidential nomination or who were frequently mentioned as contenders in 1971–1972 were Birch Bayh (Ind.), Fred Harris (Okla.), Harold Hughes (Iowa), Hubert Humphrey (Minn.), Vance Hartke (Ind.), Henry Jackson (Wash.), George McGovern (S.D.), Edward Kennedy (Mass.), Edmund Muskie (Me.), and William Proxmire (Wisc.).

[2] Of the thirty-eight presidents of the United States, fifteen (or nearly 40 percent) have a record of prior service in the Senate: James Monroe, John Q. Adams, Andrew Jackson, Martin Van Buren, William H. Harrison, John Tyler, Franklin Pierce, James Buchanan, Andrew Johnson, Benjamin Harrison, Warren Harding, Harry Truman, John Kennedy, Lyndon Johnson, and Richard Nixon. In addition, James Garfield was a senator-elect at the time of his nomination to the presidency in 1880. *Biographical Directory of the American Congress, 1774–1961* (Washington, D. C., 1961); *Senate Manual, 1961*, "Senators of the United States" (Washington, D. C., 1961), pp. 631, 697.

[3] For insightful descriptions of the United States Senate in the 1950s, see William S. White, *Citadel: The Story of the U.S. Senate* (New York, 1956); Donald R. Matthews, *U.S. Senators and Their World* (Chapel Hill, N. C., 1960); and Ralph K. Huitt's collection of articles in Huitt and Robert L. Peabody, *Congress: Two Decades of Analysis* (New York, 1969), pp. 77–178. Contrast and compare the more contemporary analyses of Nelson W. Polsby, "Strengthening Congress in National Policy-Making," and "Goodbye to the Inner Club," in Nelson W. Polsby (ed.), *Congressional Behavior* (New York, 1971), pp. 3–13, 105–111; Raymond E. Wolfinger, "Filibusters, Majority Rule, Presidential Leadership, and Senate Norms," in Raymond E. Wolfinger (ed.), *Readings on Congress* (Englewood Cliffs, N. J., 1971), pp. 286–305; and David W. Rohde, Norman J. Ornstein, and Robert L. Peabody, "Political Change and Legislative Norms in the United States Senate," paper prepared for delivery to the 1974 Annual Meeting of the American Political Science Association, Chicago, Illinois, September 2, 1974.

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TABLE 1

Democratic and Republican Presidential and Vice-Presidential Nominees, 1960–1972, and Prior Elective Service

Year	*Presidential Nominees*	*Party*	*Prior Elective Service*	*Vice-Presidential Nominees*	*Prior Elective Service*
1960	Kennedy, Mass.	D	Repres. 1946–52; Senate 1953–60	Johnson, Texas	Repres. 1937–48; Senate 1949–60
	Nixon, Calif.	R	Repres. 1946–50; Senate 1951–52 Vice-pres., 1953–60	Lodge, Mass.	Senate 1937–44, 1947–52
1964	Johnson, Texas	D	President, 1963–64[a]	Humphrey, Minn.	Mayor, Minneapolis, 1945–48 Senate 1948–64
	Goldwater, Ariz.	R	City Council, Phoenix, 1949–52 Senate 1953–64	Miller, N. Y.	Repres. 1951–64
1968	Humphrey, Minn.	D	Vice-pres:, 1965–68	Muskie, Maine	State repres., 1947–51 Governor, 1955–58 Senate, 1959–
	Nixon	R	—	Agnew, Md.	County exec., Baltimore, 1962–66 Governor, 1967–68
1972	McGovern, S. Dak.	D	Repres. 1957–60 Senate 1963–	Eagleton, Mo.	State atty. gen., 1960–64; Lt. gov. 1965–68; Senate, 1969–
				Shriver[b]	None
	Nixon	R	—	Agnew	—

SOURCE: *Biographical Directory of the American Congress, 1774–1961* (Washington, D.C., 1961), and more recent *Congressional Directories.*

[a]Vice-president Johnson became president following Kennedy's assassination on November 22, 1963.

[b]Shriver was nominated by the Democratic National Committee on August 8, 1972, as a replacement for Eagleton.

dential nominations. Indeed, from 1944 to 1972, fully two-thirds of the vice-presidential nominees for both parties have come from senatorial ranks.[4] Even more remarkable has been the success of senators or former senators in securing the presidential nomination from 1960 to 1972. As Table 1 details, all of the

[4] All of the Democratic nominees for vice-president from 1944 (save Shriver) have come from the Senate: Truman (1944), Barkley (1948), Sparkman (1952), Kefauver (1956), Johnson (1960), Humphrey (1964), Muskie (1968), and Eagleton (1972, subsequently replaced by Shriver). Republicans have, in contrast, spread their nominations among a range of political positions: Governors Bricker (1944), Warren (1948), and Agnew (1968 and 1972); Senator Nixon

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presidential nominees for the past four elections—John F. Kennedy and Richard M. Nixon in 1960, Lyndon B. Johnson and Barry M. Goldwater in 1964, Hubert H. Humphrey and Nixon in 1968, and George McGovern and incumbent President Nixon, again, in 1972—had their careers strongly shaped by extensive senatorial experience both as former members and in the cases of Nixon, Johnson, and Humphrey as vice-presidents and Senate presiding officers. With only three exceptions—Republican Representative William Miller in 1964, Republican Governor Spiro T. Agnew in 1968 and 1972, and Democrat Sargent Shriver, a replacement for Senator Thomas Eagleton in 1972—both parties consistently turned to incumbent or former senators for their vice-presidential nominees over this same period. Throughout the nearly 200-year history of presidential nominating politics, no single government institution has so extensively dominated the recruitment process of both parties as has the Senate from 1960 through 1972.[5]

One purpose of this article will be to try to ascertain just why candidates with prior Senate service have played such a prominent role in presidential nominating politics of both major parties in recent decades. Second, we will explore the import of presidential recruitment politics on leading Senate contenders, especially in terms of their legislative activities. Third, we will attempt to assess the consequences of this intensified involvement for the Senate as an institution. Finally, some speculations will be made about presidential recruitment trends and prospects for the future.

Historical Patterns in Presidential Nominating Politics

There is little need here to exhaustively review the history of presidential nominating politics.[6] However, some background is necessary to set the stage for a more intensive analysis of senatorial and vice-presidential dominance of the

(1952 and 1956) and former Senator and Ambassador to the United Nations Lodge (1960); and Representative William Miller (1964).

[5] In the early nineteenth century, secretaries of state were considered political heirs to the presidency—Madison, Monroe, and John Quincy Adams followed this path—but the tradition was limited to the nominees of the dominant party, the Democratic-Republicans.

[6] In an earlier analysis, Robert L. Peabody and Eve Lubalin made use of frequency trees to present data on the last two political offices held by the presidential *nominees* of the two major political parties from 1868 to 1972. "The Making of Presidential Candidates," in Charles W. Dunn (ed.), *The Future of the American Presidency* (Morristown, N. J., 1975), pp. 26–65. The focus, here, is somewhat broader, taking into consideration the major *contenders* for the nomination and not just the eventual winners. The temporal period is identical—1868 to 1972—and the two analyses should be read as complementary to one another. Both depend heavily on the original research of others, especially Richard C. Bain and Judith H. Parris, *Convention Decisions and Voting Records*, 2d ed. (Washington, D. C., 1973); Paul T. David, Ralph M. Goldman, and Richard C. Bain, *The Politics of National Party Conventions* (Washington, D. C., 1960); George H. Gallup, *The Gallup Poll, Public Opinion 1935–1971*, 3 vols. (New York, 1972); Gerald Pomper, *Nominating the President: The Politics of Convention Choice* (Evanston, Ill., 1963); and Joseph A. Schlesinger, *Ambition and Politics* (Chicago, 1966).

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1960–1972 period. Our focus for the pre-1960 period will be on the relative advantage or disadvantage enjoyed by incumbent or former senators seeking the presidential and vice-presidential nominations. In abstract terms it could be argued that senators would have at least twice the opportunities as governors to win their party's presidential nomination, since each state has two senators, but only one governor. But this line of reasoning quickly breaks down, for by such simplistic arithmetic, members of the House of Representatives should produce more than four times as many contenders as do senators. Obviously, other factors enter into the presidential nominating process, including the prestige of the various offices which serve as stepping-stones, the population and regional backgrounds of the states from which candidates come, and the importance of historical precedents. Clearly, the Senate has long played an important role in presidential nominating politics beyond any simple calculus of numbers. As Charles Francis Adams wrote of the Senate more than a century ago: "That body has become a sort of nursery for presidential candidates."[7]

Although political party conventions were held as early as 1832, it was not until after the Civil War that these national nominating gatherings became increasingly institutionalized and less dependent upon the dictates of congressional caucuses. From 1804 to 1860, during the period when the congressional caucus influence was at its strongest, all but five of the twenty-four major party nominees (excluding the renomination of incumbent presidents) had had some prior service in the United States Senate.[8]

Table 2 presents a summary of the immediate past offices held by leading contenders and nominees for the presidency and vice-presidency from the first post-Civil War election in 1868, until the present. In order to explore possible temporal shifts, we have broken the twenty-seven presidential elections into four periods, 1868–1888 (six elections), 1892–1916, 1920–1944, and 1948–1972 (seven elections, each). Approximately half of these elections were held when state legislatures selected senators; half were held after the ratification of the Seventeenth Amendment in 1913 which brought about popular elections of senators.

What kinds of prior offices were the leading contenders and eventual nominees for the presidency and vice-presidency likely to hold? Although the path-

[7] *An Appeal from the New to the Old Whigs* (1835), p. 48; as quoted in George H. Haynes, *The Senate of the United States: Its History and Practice*, Vol. 2 (New York, 1960), p. 959.

[8] Of the five exceptions—James Madison (1808), James Polk (1844), Zachary Taylor (1848), Winfield Scott (1852) and Abraham Lincoln (1860)—only Scott, the last presidential nominee of the Whig party, failed to win the presidency. Further testimony to the power of the congressional caucuses were the nominations of Madison, Polk, and Lincoln, each of whom had served at least one previous term in the House of Representatives. A note of caution is in order lest too much be read into this high likelihood of senatorial experience in the backgrounds of these pre-Civil War nominees. Experience of ten years or more in the Senate, such as that enjoyed by Rufus King of New York, the Federalist party nominee in 1816, or Stephen A. Douglas of Illinois, the Democratic nominee in 1860, was rather unusual. *Biographical Directory of the American Congress, 1774–1961; Senate Manual, 1961.*

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roads to the White House have been multiple and varied, for ease of comparison we have collapsed the major political positions held by the contenders into six categories: U.S. representative; U.S. senator; governor; federal appointive office (including judges and cabinet members); vice-president; and a residual

TABLE 2

Office Background of Major Contenders and Nominees for President and Vice-President, Two Major Parties, 1868–1972

Office and Historical Period	*Presidential Contenders at Convention*		*Presidential Nominees*		*Vice-Presidential Nominees*		*Presidential Contenders in Polls*	
	%	*N*	*%*	*N*	*%*	*N*	*%*	*N*
1868–1888								
Representative	14.7	(5)	10.0	(1)	25.0	(3)		
Senator	32.4	(11)	10.0	(1)	16.7	(2)		
Governor	17.6	(6)	40.0	(4)	16.7	(2)		
Fed. appt. office	11.8	(4)	10.0	(1)	8.3	(1)		
Vice-president	–	–	–	–	–	–		
Other, none	23.5	(8)	30.0	(3)	33.3	(4)		
	100.0	(34)	100.0	(10)	100.0	(12)		
1892–1916								
Representative	25.0	(5)	12.5	(1)	8.3	(1)		
Senator	15.0	(3)	–	–	8.3	(1)		
Governor	30.0	(6)	25.0	(2)	16.7	(2)		
Fed. appt. office	15.0	(3)	25.0	(2)	16.7	(2)		
Vice-president	–	–	–	–	8.3	(1)		
Other, none	15.0	(3)	37.5	(3)	41.7	(5)		
	100.0	(20)	100.0	(8)	100.0	(12)		
1920–1944								
Representative	–	–	–	–	8.3	(1)		
Senator	26.1	(6)	11.1	(1)	33.3	(4)		
Governor	34.8	(8)	55.6	(5)	25.0	(3)		
Fed. appt. office	26.1	(6)	22.2	(2)	25.0	(3)		
Vice-president	–	–	–	–	–	–		
Other, none	13.0	(3)	11.1	(1)	8.3	(1)		
	100.0	(23)	100.0	(9)	99.9[a]	(12)		
1948–1972								
Representative	–	–	–	–	8.3	(1)	1.4	(1)
Senator	44.0	(11)	30.0	(3)	66.7	(8)	40.8	(29)
Governor	36.0	(9)	30.0	(3)	16.7	(2)	29.6	(21)
Fed. appt. office	4.0	(1)	–	–	8.3	(1)	4.2	(3)
Vice-president	8.0	(2)	20.0	(2)	–	–	5.6	(4)
Other, none	8.0	(2)	20.0	(2)	–	–	18.3	(13)
	100.0	(25)	100.0	(10)	100.0	(12)	99.9[a]	(71)[b]
1868–1972 (Totals)								
Representative	9.8	(10)	5.4	(2)	12.5	(6)		
Senator	30.4	(31)	13.5	(5)	31.1	(15)		

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TABLE 2 (Cont.)

Office Background of Major Contenders and Nominees for President and Vice-President, Two Major Parties, 1868–1972

Office and Historical Period	*Presidential Contenders at Convention*		*Presidential Nominees*		*Vice-Presidential Nominees*		*Presidential Contenders in Polls*	
	%	*N*	*%*	*N*	*%*	*N*	*%*	*N*
1868–1972 (Totals)								
Governor	28.4	(29)	37.9	(14)	18.8	(9)		
Fed. appt. office	13.7	(14)	13.5	(5)	14.6	(7)		
Vice-president	2.0	(2)	5.4	(2)	2.1	(1)		
Other, none	15.7	(16)	24.4	(9)	20.8	(10)		
	100.0	(102)	100.1[a]	(37)	99.9[a]	(48)		

DATA NOTES AND SOURCES:

Convention contenders: 10 percent or more of the convention vote on at least one ballot, Richard C. Bain and Judith H. Parris, *Convention Decisions and Voting Records*, 2d ed. (Washington, D. C., 1973). This is the source for presidential and vice-presidential nominees.

Poll contenders: anyone who received 5 percent or more in Gallup Polls of party identifiers during year of convention or previous year, George H. Gallup, *The Gallup Poll, Public Opinion, 1935–1971*, 3 vols. (New York, 1972).

Only the last office held by a contender has been counted, providing it was occupied within five years prior to the nominating convention. Neither former presidents nor incumbent presidents and vice-presidents seeking renomination are included amoung the tabulations.

[a] Rounding error.
[b] Poll data covers the period 1940–1972.

category, other or none.[9] The latter classification would include holders of local offices such as Chester A. Arthur, who was nominated as vice-president on the Republican ticket in 1880 from the position of customs collector for the Port of New York, as well as those nominees who ran from a military or business background such as Ulysses S. Grant (1868), Dwight D. Eisenhower (1952), or Wendell L. Willkie (1940).

During these twenty-seven elections, senators have generally been active as presidential contenders. Indeed, from an overall perspective they have been slightly more prominent than governors and more than twice as much in the

[9] A convention contender is defined as any candidate for the nomination who received 10 percent or more of the vote on at least one convention ballot. Only the last office held by these presidential contenders has been included in the analysis, providing it was occupied within five years prior to the nominating convention. Incumbent presidents and vice-presidents up for renomination have been excluded from Table 2 and subsequent analyses. Public opinion poll data make possible an analysis of contenders based upon a somewhat overlapping index for the period 1940 to 1972. A poll contender is arbitrarily defined as anyone who receives 5 percent or more in Gallup Polls of party identifiers during the year of the convention or immediate previous year. The sources for these data are Bain and Parris, *Convention Decisions and Voting Records*, and Gallup, *The Gallup Poll*.

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forefront as federal appointive officers or those contenders who come from other backgrounds. Senate contenders were especially active immediately following the Civil War (32.4 percent) and again after World War II (44.0 percent).

Although the involvement of senators in the struggle for presidential and vice-presidential nominations is clearly not a new phenomenon, their *rate of success* prior to recent times was much lower as compared to governors or even nonfederal officeholders. Over the entire 104 years, governors secured fourteen (37.9 percent) of the thirty-seven nominations compared to just five for senators (13.5 percent). Thus, John F. Kennedy was the first Democratic senator to receive his party's nomination since the choice of Stephen A. Douglas in 1860. Only three Republican senators—Benjamin Harrison in 1888, Warren G. Harding in 1920, and Barry M. Goldwater in 1964—have won their party's nomination in the post-Civil War period. George McGovern's victory in the 1972 Democratic nominating convention rounds out the select list of senators who have obtained their party's top nomination since the Civil War.

United States representatives and vice-presidents trail all other categories of officeholders as contenders. Such is not the case for members of the House of Representatives in the latter part of the nineteenth century and up until World War I. Indeed, before the adoption of the Seventeenth Amendment, representatives edged out senators in terms of frequency of nominations for both the presidency and the vice-presidency, 2 to 1 and 4 to 3.[10] In contrast to this earlier period, no representative has been able to show sizable ballot strength of 10 percent or more at either major party convention since 1916. Once senators became popularly elected, their fewer numbers, lengthier tenure, and greater media visibility all began to work to their advantage.[11]

The paucity of vice-presidents who have emerged as successful contenders in their own right for the presidential nomination may come as a surprise. The only two instances in this entire 104-year period took place within the past 15 years—Richard M. Nixon in 1960 and Hubert M. Humphrey in 1968. Neither candidate was able to divorce his own candidacy from the perceived shortcomings of the previous administration; both lost the subsequent general election. Ironically, Humphrey was to lose to a Richard Nixon making an unparalleled comeback after eight years in the political wilderness.

For the purposes of our tabulations we have excluded those vice-presidents who have inherited the presidency in midstream as the result of the assassination or natural death of the incumbent. Throughout our 200-year history, nine vice-presidents have succeeded to the presidency: John Tyler (1841), Millard

[10] Representatives James Garfield (1880) and William J. Bryan (1896) were nominated for president as was Senator Bejamin Harrison; among congressional officeholders who won vice-presidential nominations were Representatives Schuyler Colfax and Francis P. Blair, Jr. (1868), William A. Wheeler (1876), and James S. Sherman (1908); the senators were Henry Wilson (1872), John A. Logan (1884), and Charles W. Fairbanks (1904).

[11] It should be noted, however, that by the end of the nineteenth century, direct popular campaigning by prospective Senate candidates was not uncommon. H. Douglas Price, "The Congressional Career, Then and Now," in Polsby *Congressional Behavior*, p. 26.

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Fillmore (1850), Andrew Johnson (1865), Chester Arthur (1881), Theodore Roosevelt (1901), Calvin Coolidge (1923), Harry Truman (1945), Lyndon Johnson (1963), and Gerald Ford (1974). All of the nineteenth-century inheritors were denied their party's nomination for the presidency. In stark contrast, all of the twentieth-century successors to the presidency, save Ford, have gone on to win a four-year term of their own as president. Our current president's future, of course, is being determined.

If governors have tended to dominate presidential nominations, overall, particularly before 1960, then senators have tended to monopolize post-World War I vice-presidential nominations, especially within the Democratic party. Indeed, from 1944 through 1972, national Democratic party conventions have exclusively turned to senators as their vice-presidential selections. Republicans, long the minority party in Congress, have more often turned to governors than senators over the same time span.

The involvement of senators in the fight for presidential and vice-presidential nominations has not been a new phenomenon, peculiar only to the 1960s and 1970s. One additional source of data, Gallup poll evaluations of leading presidential candidates from 1940 to 1972, shows senators accounting for 40.8 percent of all contenders receiving 5 percent or more support among same-party identifiers during the immediate preceding or actual year of the national convention. In comparison, governors account for about 30 percent of the presidential contenders for both parties for this thirty-two-year period (Table 2).

So far, our presentation has been mainly limited to a description of trends in presidential and vice-presidential selection politics. Two principal patterns have emerged. First, contrary to popular beliefs, senators or former senators have often been among the leading contenders for these nominations throughout the nation's history. Until recent decades, their efforts were seldom crowned with success. Second, the rate of acceptance of senators or former senators as presidential nominees underwent a dramatic upsurge from 1960 on, stimulated initially by an increase in their receiving vice-presidential nominations and culminating in their unprecedented dominance over presidential nominations during the last four elections.

Increases in Senate Contention: Contributing Factors

A number of familiar, if not always fully persuasive, arguments have been set forth by numerous commentators to explain, first, why governors were generally more successful than senators at obtaining presidential nominations for most of the past century and, second, why senators have come into increasingly prominent contention in recent decades.[12] Governors appear to have had a number of initial advantages: their record as proven administrators, their command

[12] Many of these arguments have been reviewed in Peabody and Lubalin, "The Making of Presidential Candidates," pp. 45–49, and therefore need not be repeated here. But see, in addition, the books and articles cited in that essay and also note 6.

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over state party organizations, their demonstrated popular appeal. Most senators, on the other hand, were not directly elected until the adoption of the Seventeenth Amendment in 1913. Over the last several decades, the nature of presidential nominating politics has undergone a marked shift and most of these changes have generally resulted in enhanced opportunities for senatorial contenders—or so it has been argued. Among the most important of these changing factors have been (1) the expanding plight of the governor's role, caught between growing demands for social services and declining revenue resources; (2) an almost revolutionary growth in media influence on politics, concentrated in Washington, D.C., and New York City; (3) an increasing nationalization of politics with a concomitant spread of competition among the parties; (4) an intensification of popular participation in nominating practices, especially through the expansion in importance of presidential primaries. Obviously, within the scope of this article, we cannot fully explore all of these complex and interrelated themes. We can, however, briefly outline their apparent relevance for the expanding role of senatorial contenders in the selection of presidential nominees.

As has already been demonstrated, governors have been the senators' primary competition for the choice of the head of the ticket for the two major parties, especially in the post-Civil War period. However, no governor has won his party's nomination and gone on to win the general election since Franklin Delano Roosevelt in 1932. Thomas Dewey of New York was the last Republican governor to head his party's ticket (1948); Adlai Stevenson of Illinois was the last governor to win the Democratic nomination for the presidency (1952). A combination of liabilities are plaguing contemporary governors of both parties: rising state expenditures coupled with inadequate revenue sources, hostile state legislatures, overly independent state administrative agencies, rising crime rates, and sprawling urban growth. To the extent that such issues have increased the political vulnerability of governors—and the evidence here is mixed—then, it has made them less attractive as potential nominees for the presidency.[13]

A further problem facing governors of all but the largest states—their relative anonymity—has been intensified by a revolution in media influence on political campaigns. Hand-in-hand with the enhanced importance of television, polling, and direct mail fund raising in political campaigns has come a concentration of the media in Washington, D. C., and New York. The *Washington Post*, *The New York Times*, and the national weeklies like *Time*, *Newsweek*, and *U.S. News and World Report* through their news stories and editorial positions have played important roles in creating, supporting, and sometimes destroying candidates for the presidency. But their role pales in comparison to the

[13] "Although gubernatorial elections were unusually competitive during the 1950s, governors were not more vulnerable as a group in the 1960s than they had been in earlier decades. . . . [But] there has been a higher turnover of gubernatorial nominations and elections [in this century] than of senatorial ones." Peabody and Lubalin, "The Making of Presidential Candidates," p. 48.

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impact of television. Evening news demands television coverage of hearings, and discussion shows like "Meet the Press" and "Face the Nation" have converted the names of a number of senators into "household words."[14] After assessing the overall impact of television on Congress, Michael J. Robinson concludes that it "focuses on senators so directly and intensely that television has made the Senate the *mother of Presidents*. What we have is a symbiotic relationship, a TV-Senate alliance. The senators get coverage and stature; the networks get to cover, in self-fulfilling prophecy, the 'Presidential contenders.' "[15]

A third factor influencing presidential nominating politics, especially since the outbreak of World War I, has been the uneven but accumulative shift in political responsibilities and resources away from state capitals to Washington, D. C. This has not been a zero sum game, the federal government absorbing what the state governments have yielded up. Rather, under the impact of two world wars and a national depression the national government has simply outstripped the state and local governmental jurisdictions in terms of powers and resources. In the process, sectional differences have given way to more uniform national electoral trends.[16] Republicans have made inroads into the once solid Democratic South; Democrats have begun to win a portion of New England senatorial seats. Party leaders and convention delegates have tended to look beyond the state houses and toward the national legislatures—where the action is—for their presidential and vice-presidential nominees.

The media, particularly television, have greatly contributed to this nationalization of politics. Everyone can watch and react to the same news, almost simultaneously. Operating out of the nation's capital, in session ten to twelve months out of the year, members of Congress are centrally located so as to shape and benefit from this centralization of issues and media attention. Senators are second only to the White House in their cooperative relationship to television.[17]

[14] As a southern Democratic senator summed up the advantages which he and his colleagues enjoyed as compared to governors: "Well, it's the fact that the action takes place in the Senate. Now, with our television and radio, the national press coverage, and the coverage of the columnists, [senators] have become household words. . . . They are recognized as being more national-minded; they vote on the national issues. Whereas for a governor, it is hard for him to be a national leader. So, the fact that people identify with a senator and they are affected by national issues—that is what causes [the Senate] to be such a fertile field for presidential candidates."

[15] As Robinson continues: "Tom McCall sits in Oregon; Dan Evans sits in Washington State, both hoping for a spot on the "Today" show. But Howard Baker, Scoop Jackson, and Charles Percy all work in Washington, D. C., near the networks. McCall and Evans get left out." "A Twentieth-Century Medium in a Nineteenth-Century Legislature: The Effects of Television on the American Congress," in Norman J. Ornstein (ed.), *Congress in Change* (New York, 1975), pp. 254, 255.

[16] Walter Dean Burnham, *Critical Elections and the Mainsprings of American Politics* (New York, 1970); Paul T. David, *Party Strength in the United States* (Charlottesville, Va., 1972).

[17] Robinson quotes with approval Edward Epstein's characterization of senators as "almost perfect" for network news purposes. *News from Nowhere* (New York, 1973), pp. 251–252.

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Nelson W. Polsby has even suggested that "passing bills" has become "peripheral to the Senate." Instead,

> the three central activities are (1) cultivating national constituencies; (2) formulating questions for debate and discussion on a national scale (especially in opposition to the President); and (3) incubating new policy proposals that may at some future time find their way into legislation.[18]

A final changing factor generally working to the benefit of senatorial contenders and to the detriment of governors seeking their party's presidential nomination has been the increasing popularization of the nominating process. Prior to the growth of mass communications media—the national news magazines, radio, television, and public opinion polls—party leaders were forced to rely upon personal communications. Party conventions, thus, provided an unusual opportunity to meet with one's peers, exchange firsthand information, firm up negotiations, and work toward putting together a compatible national ticket that could win. Governors, usually in control of their state party organizations and delegates, were well situated to dominate national party conventions, and as often as not, turned to one of their own as the presidential nominee. Over the past four or five decades, however, control over party nominations has generally shifted away from convention deliberations to an accumulation of decisions made by the electorate in two, three, or several critical presidential primaries. After demonstrating a sustained popular appeal—as John Kennedy did in New Hampshire, Wisconsin, and West Virginia in 1960; as Barry Goldwater finally did in California in 1964; or as George McGovern did in Wisconsin and California in 1972—then the candidate moves almost inevitably to a first ballot nomination.[19] Governors can occasionally make a similar appeal, especially if they have previously generated a national following. Thus, George Wallace's performance in states such as Florida and Michigan in 1972 were yielding him strong delegate support before the attempt on his life. The importance of the primaries has been fed, in turn, by the enhanced role of national television coverage and the increased use of opinion polls to plan and implement appeals to the electorate.

One aspect of these dramatic shifts in the nature of presidential nominating politics—the importance of running from a strong electoral base—is illustrated by the data summarized in Table 3. For purposes of this analysis, vice-presidents and governors have been assumed to run from electoral strength throughout the post-Civil War period. On the other hand, senators before their direct election was secured in 1913, members of the House of Representatives (operating from

[18] Polsby, *Congressional Behavior*, p. 7.,

[19] Since 1928 only two of the Democratic presidential nominees (Roosevelt in 1932 and Stevenson in 1952) and two of the Republican presidential nominees (Willkie in 1940 and Dewey in 1948) were *not* selected on the first ballot. In other words, twenty of the twenty-four nominations made over the past twelve elections by both parties (including all eight of the incumbent presidents) occurred on the first ballot. Nelson W. Polsby and Aaron Wildavsky, *Presidential Elections*, 3d ed. (New York, 1971), p. 148.

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TABLE 3

Presidential Contenders with a Strong Electoral Base as a Percentage of All Contenders, 1868–1972

	1868–1888	*1892–1916*	*1920–1944*	*1948–1972*
Number of contenders with a strong electoral base	6	6	14	22
Total number of contenders	34	20	23	25
Percentage with a strong electoral base	17.6	30.0	60.9	88.0

SOURCE: Bain and Parris, *Convention Decisions and Voting Records.*

NOTE: Strong electoral base is defined as governor or vice-president for 1868–1916 and governor, senator, or vice-president for 1920–1972. Contenders are those candidates who received 10 percent of the convention vote on one or more ballots.

constituencies of limited size), and federal appointive officials were considered as operating from a weak or nonexistent electoral base. Over each quartile of elections held from 1868 to 1972, the number of contenders meeting the criterion of a strong electoral base as a percentage of all convention contenders has steadily increased. For example, only six of thirty-four contenders (17.6 percent) in the presidential nominating conventions of both parties from 1868 to 1888 had held either a gubernatorial or vice-presidential office within the past five years. Over the last quartile of elections–1948 to 1972—all but three of twenty-five contenders (88.0 percent) were operating from a strong electoral base—senator, governor, or vice-president. But what accounts for the increasing prominence of senators as compared to other officials operating from electoral strength?

One clue comes from a closer look at nominating practices for the two major parties over the last century. For most of the nineteenth century and through the first five decades of the twentieth century, Democrats were much more inclined to turn to governors for their top of the ticket nominee than the opposition party. Republicans, on the other hand, tended to scatter their selections more widely, choosing high federal appointive officials more frequently than they seletced governors.[20] The simplest explanation for these differences probably lies in the sustained control of the executive branch that the GOP enjoyed for most of this period. Republican presidents were in the White House—hence, maintained dominance over federal appointive offices—for all but sixteen of the sixty-four post-Civil War years prior to Franklin D. Roosevelt's first election in 1932. Thus, fewer Democrats were likely to hold important judicial or cabinet posts which might lead to their party's presidential nomination as it did, for example, for

[20] More precisely, Democrats gave their presidential nomination to governors eight of the thirteen unrestricted openings from 1868 to 1956; Republicans selected federal appointive officials five times, and governors four times, from among seventeen open presidential nominations. Peabody and Lubalin, "The Making of Presidential Candidates," pp. 34–35.

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TABLE 4

Offices Held by Poll and Convention Contenders for the Presidency, by Party, 1940–1972

	Poll Contenders					
	Democrats		*Republicans*		*Total*	
Offices	*N*	*%*	*N*	*%*	*N*	*%*
Representative	1	3	0	0	1	1
Senator	21	66	8	21	29	41
Governor	4	13	17	44	21	30
Federal appointive	1	3	2	5	3	4
Vice-president	2	6	2	5	4	6
Other, none	3	9	10	26	13	18
Total	32	100	39	101[a]	71	100
	Convention Contenders					
	Democrats		*Republicans*		*Total*	
Offices	*N*	*%*	*N*	*%*	*N*	*%*
Representative	0	0	0	0	0	0
Senator	8	57	4	27	12	41
Governor	4	29	6	40	10	34
Federal appointive	1	7	0	0	1	3
Vice-president	1	7	1	7	2	7
Other, none	0	0	4	27	4	14
Total	14	100	15	101[a]	29	99[a]

DATA NOTES AND SOURCES:

Convention contenders: same as Table 2; poll contenders: anyone who received 5 percent or more in Gallup Polls of party identifiers during year of convention or previous year. Gallup, *The Gallup Poll, Public Opinion, 1935–1971.* Only the last office held by a contender has been counted, providing it was occupied within five years prior to the nominating convention. Neither former presidents nor incumbent presidents and vice-presidents seeking renomination are included among the tabulations.

[a]Rounding error.

William Howard Taft (1908), Charles Evans Hughes (1916), and Herbert C. Hoover (1928).

By 1940, two factors had conjoined to all but eliminate contenders other than governors and senators and to increasingly force the Republican party to turn to the former and the Democratic party to rely upon the latter as the principal source for their leading presidential contenders (Table 4). The first factor, already alluded to, was the enhanced importance of a broad electoral base; the second factor was Democratic organization of the House and Senate for all but two of the post-1930 Congresses. Given the increased importance of presidential primaries and the expanded role of a national media centered in New York and Washington, contenders had to be visible before they could expect to be nominated. Democratic senators, with their control of the committee structure and floor action, were in a better position to initiate legislation, develop issues, and

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exploit the press and television than their minority counterparts. Thus, from 1940 to 1972, two-thirds of the leading Democratic presidential poll contenders and 57 percent of their party's most successful convention contenders were senators (Table 4). In contrast, Republican poll contenders were more than twice as likely to be governors as compared to senators over the same three decades. Overall, by either measure, senators account for better than 40 percent of the contenders; governors for 30 percent, from 1940 through 1972.

A further reason why senators have increasingly eclipsed governors as presidential contenders, especially within the Democratic party, stems from their less constraining electoral base. In recent years, gubernatorial contenders for the presidency have come almost exclusively from the more populous, industrial states, especially New York.[21] Their terms in office have generally been limited to two or four years and not all governors have been eligible for reelection. Senators, in contrast, can compete from any size state—Goldwater, for example, came from Arizona, McGovern from South Dakota, their terms in office are six years, and there are no statutory limits on tenure.

Still another reason for the increased propensity for Democratic senators to seek their party's presidential and vice-presidential nominations since 1940, has been their relative lack of competition from Democratic big-state governors. In the first place, as Table 5 demonstrates, governors from the six largest northern states—California, New York, Pennsylvania, Illinois, Ohio, and Michigan—over the period from 1940 to 1972 have been predominantly Republican: thirty (taking into account multiple terms) as compared to thirteen Democratic incumbencies.[22] But this lack of competition from Democratic governors does not stem from fewer numbers alone—they might be as inclined to run if they had as timely an opportunity. As Table 5 reveals, Republican governors more frequently have been in the best possible position to run, namely, being in their second or later term and being able to pursue the nomination in what for them is an off-year election. Thus, the only governor of either party who was up for his own reelection in a presidential year, but sought the nomination, was Illinois Governor Adlai Stevenson in 1952. And his selection as the Democratic nominee was more of a draft choice than an aggressive, self-willed candidacy. Conversely, half of those Republicans who had an opportunity to win the presidential nomination in an off year in their second or later term in office—Dewey in 1948, Romney in 1968, and Rockefeller in 1964 and 1968—took advantage of their

[21] Of the seventeen gubernatorial contenders who received 10 percent or more on one ballot in either party convention from 1920 to 1972, eight come from New York, three from Illinois, and of the remainder, one each from Alabama, California, Kansas, Minnesota, Ohio, and Pennsylvania. In contrast, the seventeen senators who qualified as contenders by these criteria represented thirteen different states. Only two states—Ohio with four and Georgia with two—had more than one Senate contender over these fifty-two years.

[22] For purposes of this analysis a governor is only counted as having an opportunity when there is no incumbent president of his own party seeking reelection. Furthermore, an individual governor may be counted more than once, for example, Rockefeller in 1960, 1964 and 1968 (but not 1972).

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TABLE 5

Presidential Candidacies by Governors of the Six Largest States by Office Term, Party, and Term of Opportunity, 1940–1972

Term of Opportunity	Year of Governor's Election	Party		
		Democrat	Republican	Both
First term	Presidential year	100% (1)	0% (7)	13% (8)
Second or later term	Presidential year	0% (5)	0% (4)	0% (9)
First term	Off year	14% (7)	27% (11)	22% (18)
Second or later term	Off year	— (0)	50% (8)	50% (8)
Total		15% (13)	23% (30)	21% (43)

SOURCE: *The Governors of the State, 1900–1974*, compiled by Samuel R. Soloman (Lexington, Ky., 1974).

NOTE: Entries give percent of governors with opportunity (number in parentheses) who ran for president. If an incumbent president of the same party is seeking reelection, governors are not seen as having an opportunity. The same governor may be counted more than once if he has more than one opportunity. The six largest northern states are California, New York, Pennsylvania, Illinois, Ohio, and Michigan.

position to seek the office. Of course, these men also hoped to capitalize on their extensive experience and high visibility as governors of several of the nation's largest states.

Implications for the Senate and Its Role in the Policy Process

Elsewhere we have explored the changing paths to presidential nominations and some of the differences in Senate legislative activities between contenders and noncontenders.[23] But the impact of a presidential preoccupation in the Senate extends beyond the handful of senators in any one Congress who are announced candidates or even those who are seen as potential contenders for the presidency in Gallup or Harris preference polls. In the eighteen months or a year before any given presidential election, only a few senators will take the direct steps of setting up a presidential campaign staff, renting a headquarters building, soliciting funds, and deciding which primaries to enter. However, the continuing *expectation*—among senators and staff, the press, the Washington community, and the broader public—that the Senate has become the major breeding ground for presidential candidates means that other senators will begin to think of themselves as future prospects, view their colleagues in that perspective, or find

[23] See the expanded version of this paper delivered before the 1975 Annual Meeting of the American Political Science Association, San Francisco, Calif., Sections III and IV.

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the press already interpreting many of their reactions in that light. Thus, the behavior of a wider circle of senators, extending to noncontenders as well, are substantially affected by the Senate's immediate as well as longer-range concern with presidential nominating politics.

The Senate, like all complex and continuing political institutions, has an elaborate social structure, complete with a set of recognized norms, or folkways. As Matthews defined them in the 1950s, these included the norms of apprenticeship, legislative work, specialization, interpersonal courtesy, reciprocity, and institutional patriotism. And as he further noted—even before the period in which senators were becoming successful in the presidential sweepstakes—to covet higher office, generally led to a downplaying, if not disregard, for the norms of the Senate.[24] The thrust of our interviews, conducted almost two decades later, indicate that the Senate's enchantment with the presidency has had an even more pervasive impact upon these folkways than might have been anticipated.[25]

A prime illustration was the strategy adopted by the junior senator from Massachusetts, John F. Kennedy. Even before he lost the Democratic vice-presidential nomination in 1956, Kennedy had altered his senatorial behavior to accord with his presidential ambitions. Speaking out early and often on a variety of subjects beyond the jurisdictions of his original committee assignments, Kennedy was willing to pay the costs of whatever internal sanctions might have been invoked. Here, Kennedy was contributing to as well as anticipating a general decline in the norm of apprenticeship. Kennedy's example—his successful advance from the Senate, to the presidential nomination, to the White House—was not lost on his colleagues. Taking advantage of an expanding media focus on the Senate, other potential contenders also began to speak out and seek ways to enhance their national visibility. A number of House members and small-state governors, frustrated at their inability to draw national attention, were further motivated to seek a Senate seat. The resulting increased political experience among new senators in turn contributed to the breakdown of apprenticeship.[26]

The folkway of legislative work—that each senator is expected to do his share

[24] Matthews found that the most obvious presidential aspirants during the Eighty-third (1953–1954) and Eighty-fourth (1955–1956) Congresses, save for Symington, "gave more floor speeches than the average senator and pursued a wider range of legislative interests," *U. S. Senators and Their World*, pp. 109–110.

[25] As a general practice we asked each senator the following question: "Since 1960, the Senate has become a breeding ground for presidential candidates, for both parties. What has been the impact of this on the operations of the Senate?" For those senators who had run for the presidency, we asked a follow-up question: "What impact has it had on your own effectiveness as a legislator?" Under the pressures of time or in the pursuit of other interests, about one-third of our senators were not asked this question. Eight of our thirty-five remaining interviewees had either run for their party's presidential nomination or were considered contenders for 1976.

[26] Rohde, Ornstein, and Peabody, "Political Change and Legislative Norms," pp. 42–50.

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of committee work and floor participation—is still operative in the Senate, but, as we have already suggested, it is tested with increasing regularity by senatorial contenders, especially as the presidential primaries approach. As a relatively junior Democratic senator put it, running for the presidency takes senatorial contenders

> away from their duties. Well, for instance, take the _____ Committee—here, we've got a chairman laid up, Senator A; we've got B coming in, an acting captain. Our number three man is C, a great senator, but . . . running for president, quietly, you know, . . . but running for president—therefore, not a working member at the elementary level of the committee. . . . Now C, he'll be in the executive sessions swinging his weight, don't worry. But we lost those fellows and a lot of work falls on the shoulders of the other fellows, like D and myself, and B. . . . It's a committee with a lot of hard work, and not too many hands to do it.

Since the overall workload of the Senate has been on the increase, efforts to give junior senators better committee assignments, to bring them into committee and floor deliberations, and to apportion staff resources more generously, have provided partial solutions to the problem. But as the major provisions of public campaign finance legislation force earlier and earlier announcements of candidates, noncompliance with the norm of legislative work can be expected to increase.

As senatorial contenders for the presidency have become more numerous and identifiable, jealously between potential rivals for the same party nomination and intensified partisan infighting have led to further modifications of some of the traditional civilities of Senate conduct. Norms of reciprocity, interpersonal courtesy and institutional patriotism have been violated with greater frequency. Reciprocity—the give and take of the legislative process—has always been far more subtle and pervasive than explicit vote trading or the mere honoring of one's commitments. But a senator who uses his office for the purposes of self-advertisement or takes advantage of his colleagues can get himself into grave difficulties. A senior Republican reports on how the norm of reciprocity can sometimes be abused:

> There's a certain man on my side of the aisle who's let it be known he's very interested in the presidency. I've seen that man's status and influence with his colleagues go just like this—just down. Now it need not be that way, but with this individual, it seems that he isn't sensitive enough to realize that you just don't go around grabbing at other people's ideas that they've already been identified with just because they're good national issues. We had a meeting the other day in which we go around the room . . . and everybody sort of gives a three minute resume of some of the most involved issues or bills in his committee. . . . One of the senior members who is on the _____ Committee said today, I think we ought to take up issue X [Later] this certain individual said, Mr. Chairman, "I've go to go to another meeting, therefore I would want to make a comment or two before I leave." All right, reasonable—so he takes up issue X, but not just as a matter of opinion, but as a proposal—not even in the committee—that he was going to go

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national with! . . . Well, that was a simple thing, but it shows, here was a person who was going to go around sucking up here and grabbing there . . . and it was stealing. We don't have any patents on any of these ideas, you see, but it's just not done.

One facet of the norm of interpersonal courtesy—avoiding personal attacks upon one's colleagues—tends to slacken if not disappear in the intense, frequently partisan exchanges which occur in the Senate leading up to a presidential election. Thus, from 1970–1972, Senator George McGovern of South Dakota, then a contender for the Democratic presidential nomination, and Senator Robert Dole of Kansas, the chairman of the Republican National Committee, engaged in a series of vitriolic remarks on the Senate floor over policy in Vietnam (most of which were expunged before they appeared in the *Congressional Record*). Criticism of the Senate itself—an infringement upon institutional patriotism—may also be indulged in by presidential contenders in attempts to set themselves apart from the Congress or to make an ideological point. Several liberal Democratic senators heavily criticized the Senate's role in the passage of defense appropriations bills in 1970 and 1971; perhaps the bluntest attack on the Senate occurred in late 1970, when George McGovern said of the institution's failure to end the Vietnam war, "This chamber reeks of blood."[27]

The consequences of a spreading presidential fever may be equally severe within a party as across partisan lines. In the heat of the competition for the presidential nomination, the resentment and tension between rival contenders intensifies. These frictions are apt to impair coalition building and unified strategy development within each party, but especially among the Democrats. One senior midwestern Democrat, complaining of the inability of his neighboring-state colleagues to form a viable regional group or a broader liberal organization in the Senate, commented:

These are busy fellows, some of them are very ambitious, presidential candidates—you have people like Mondale and McGovern and Humphrey, and Hughes was a candidate [for a while]—rivals of each other. . . . And, when you look at the broader picture, you also have people like Muskie and Kennedy who are highly respected, very able fellows, who have been successful in getting legislation adopted and getting their positions accepted in the Senate, often—but they are rivals, competing, and it's a little harder for them to work together.

The increasing frequency of senators contending for the presidency, or contemplating a future candidacy, also has had considerable impact on policy making in the Senate. According to Matthews' description of the Senate in the 1950s, a senator "ought to specialize, to focus his energy and attention on the relatively few matters that come before his committees or that directly and immediately affect his state."[28] Specialization has always been less important in the Senate than it has in the House of Representatives; senators have more committee and

[27] *Congressional Record* (daily ed.), September 1, 1970, p. S14858.
[28] Matthews, *U. S. Senators and Their World*, p. 95.

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subcommittee assignments, and fewer opportunities to specialize, intensively, than representatives. And senators from large, diverse, industrialized states have always had a wider range of matters of direct concern to their constituencies, often pushing them beyond the confines of their committee boundaries. The increased frequency of senatorial contenders seeking their party's presidential nomination has only served to accentuate these trends away from specialization, further diluting the norm. The observation of one northern Democratic contender who ran for the presidency was typical: "I found myself taking positions and speaking out on issues that were not in my immediate senatorial jurisdiction. These were areas that I had not been speaking out on before." A retired southern Democratic senator expands upon this theme:

> [Running for the presidency] calls for much more generalization. A fellow who gets up to speak—let's say he's from Indiana—now that fellow he would ordinarily be a spokesman for the people of Indiana. And that's what the founders of our government, our constitution, intended. . . . However, now that everybody from the Senate thinks of himself as a prospective candidate for president or vice-president, he's now speaking for California, for Florida, for New York, for Oregon—in addition to his own state, except for the year he's running for reelection. . . .
>
> I think it lends itself, it leads senators, ambitious senators, to be less expert in certain areas and more generalist in everything, because they've got to know a little bit about all things. They're traveling all over the country, speaking at various conventions, various gatherings of people . . . and so they spread themselves out.

Presidential contenders tend to seek assignments to the Armed Services and Foreign Relations Committees. A number of contenders, however, will not have served on either of those committees and they will obtain their standing and knowledge of foreign affairs in other ways. This also tends to weaken the impact of specialization as a norm. For example, a 1972 Democratic presidential contender describes how he began to get involved in foreign policy questions "even though I was not a member of the Foreign Relations Committee."

> I had wanted to be. I had taken many opportunities to get involved in trips abroad, parliamentary trips and that sort of thing. I got more involved in the actual development of suggesting policy. We formed task forces in many areas, domestic and foreign, which were helpful to me in developing perspectives on legislation.

Perhaps a note of caution is in order. Norm violations are still the exception rather than the rule. The rhetoric of complaint is more severe than the actual consequences which flow from nonconformity. Most of these modifications in Senate folkways are confined to an election year or the months immediately preceding it. Their effects are further reduced because senators' work patterns are characterized by overcommitment and fragmentation; they rarely spend sustained periods on the floor and are seldom in close, continuous contact with

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one another. Finally, all senators are, by definition, politicians. They can generally sympathize with the motivations that drive their more ambitious colleagues, just as they often take a rather perverse delight in their frequent trials and tribulations. According to one of his colleagues, George Aiken of Vermont, then dean of the Republican senators, used to enjoy seeing the many Democratic contenders in 1971–1972 assemble for a floor vote. "He always used to say, if it was a really important issue, 'Well, now, let's see how "the presidents" are going to vote.' "

The interaction of a steadily increasing Senate workload, tendencies to downplay or ignore a number of the more traditional Senate norms, the Senate's enhanced role as a training ground for presidential contenders—all have had an impact upon the Senate's overall role in policy making. We think that Nelson Polsby goes too far when he argues that " 'passing bills,' . . . central to the life of the House, is peripheral to the Senate."[29] Any institution, whose members collectively introduce over 4000 public and private bills per Congress, who respond to hundreds of "yeas and nays" votes in a single session, and who collaborate with the House in passing an average of over 700 public laws in a Congress, can hardly be said to have relegated its legislative responsibilities to the sidelines.

Still, Polsby calls attention to some important shifts in emphasis in Senate activities. The need to cultivate national constituencies, to formulate and discuss the important issues of the day, to come up with new policy proposals which may later become the basis of legislation—these broader objectives are not unrelated to a Senate in which presidential hopefuls are increasingly at home. Given these shifts in emphasis, almost inevitably senators are spending less time on the details of legislation. The research and drafting of bills are increasingly turned over to staff. Senators turn to their legislative assistants for advice on voting much more than their House counterparts. Conference committees between the two Houses are frequently characterized by House members negotiating with Senate staff while senators look on. Still, the Senate continues to better than hold its own with the House in terms of conference committee outcomes.[30]

This broader conception of policy involvement may not be dysfunctional for the workings of the American political system, even if it means that the power and the importance of writing the details of legislation rests largely with House members and a growing set of anonymous and relatively isolated Senate professional staffers. These patterns were already evolving as the relationships between the executive branch, the House and Senate, the national interest groups,

[29] Polsby, *Congressional Behavior*, p. 7.

[30] Richard F. Fenno, Jr., *The Power of the Purse* (Boston, 1966), p. 662; John F. Manley, *The Politics of Finance* (Boston, 1970), pp. 293–294; and David J. Vogler, *The Third House* (Evanston, Ill., 1971), pp. 49–78.

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and state and local constituencies have grown more complex and the overall workload of Congress increases. What the senatorial interest in the presidential nomination has done is to accelerate many of these trends.*

* This article is adapted from a paper delivered before the 1975 Annual Meeting of the American Political Science Association, San Francisco, Calif., September 2–5, 1975.

The article is part of a general study of political change and the United States Senate being conducted by the authors. In the course of any large research project, the investigators incur a substantial number of debts. First and foremost, we want to thank the present and former members of the United States Senate who generously agreed to grant us interviews. The following table indicates the proportion of the senators who have been interviewed, by party, region, and year of entry to the Senate. Each entry shows the number of senators in that category (in parentheses) and the proportion of those members who have been interviewed. The basis for the numbers is the membership of the Senate at the opening of the Ninety-third Congress, plus the eight former members who were actually interviewed (hence the total of 108).

Interviews Completed

Year of Entry	*Northern Democrats*	*Southern Democrats*	*Republicans*	*Total*
Before 1958 election	40%	33%	63%	47%
	(10)	(9)	(11)	(30)
1958 election to before	45%	–	60%	48%
1964 election	(20)	(0)	(5)	(25)
1964 election to before	33%	75%	39%	43%
1970 election	(6)	(4)	(18)	(28)
1970 election and after	67%	50%	50%	56%
	(9)	(4)	(12)	(25)
Total	47%	47%	50%	48%
	(45)	(17)	(46)	(108)

The interviews were semistructured in nature. The interviewers had a list of prepared questions, open-ended in nature, which were asked in order as time permitted. All members were promised anonymity.

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British Populism: The Labour Party and the Common Market Parliamentary Debate

HARRY LAZER

The Common Market controversy in Great Britain has important implications for all students of Western "postindustrial" democracies because it is a case study of the phenomenon of populism. The meaning of populism is often elusive because, reflecting vague and contradictory feelings of discontent, it possesses little doctrinal coherence or common programmatic content. A basic working definition of populism is the belief that the majority opinion of the people is checked by an elitist minority. This view is reflected in parochial, conservative, and individualistic attitudes.

Although the appeal of populism transcends party lines, it raises a particular threat to the power and unity of a country's major left-center party. Much of the mass working-class base of the party is attracted to the antielitism of populism even though the attitudes associated with it seem contrary to "established" liberal principles. Moreover, the party's middle-class members, in reacting against what they consider these popular aberrations, begin to express doubts about the underlying wisdom of democratic majority rule, thereby further undermining liberal principles. Thus, a deep subterranean intraparty conflict has surfaced in modern politics, pitting populism against an elitist liberalism.

Such a battle emerged in the late 1960s and early 1970s in the British Labour party, shaped in large measure by its character and previous history. The usual power pattern within the party has found a middle-class right wing in control, supported by the leadership of the trade unions, where the mass of the member-

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HARRY LAZER is associate professor of political science at The City College of the City University of New York. Author of *The American Political System in Transition*, he has been working on a number of studies of the British Labour party and is completing a biography of Arthur James Balfour.

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ship is located. This alliance effectively relegated a middle-class left wing into a continuous minority status.

Basic shifts within the party were taking place during the late 1950s and 1960s. Most significant was the fact that some of the largest unions had changed from a right wing to a left wing leadership. At the same time, the Labour government was attempting to regulate wages and trade union activity, both anathema to the unions, and the left wing, capitalizing on this trend, supported the unions. In terms of political power, this meant that a new alliance was being forged between the unions and the left, threatening the political domination of the right. The vulnerability of the right was further underlined by a deep vein of populist reaction against permissive and humanitarian legislation, most notably the abolition of capital punishment, enacted in this Labour period in office.

The Common Market issue raised this resentment to a new peak. The Market, considered both foreign and elitist, spanned almost the whole range of populist fears and hostilities. A bureaucracy, always a prime target of populism, aggravated existing feelings of alienation when it became supranational because it seemed to remove people even further from control over their own lives. Common Market entry, however, was more than just another populist issue. The left considered the Market a "capitalist club" which would hinder future applications of socialism; the trade unions eventually reached virtual agreement that it was opposed to interests of their members. As a result, the Common Market issue solidified the antiright wing alliance by uniting the trade unions and the left and by coupling populism with socialism.[1]

The reaction of the Labour party on the issue was heavily influenced by these considerations. In the early 1960s the party, in opposition, leaned somewhat negatively toward Market entry during the first set of negotiations. After Labour returned to power, the Wilson government secured the Parliamentary Labour party's official commitment to it. After Labour's defeat in 1970, however, party sentiment, pushed by the left and the unions, gravitated back to opposition. Thus, by the time of the great House of Commons debate in October 1971 on the principle of entry, the Parliamentary Labour party and the broader Labour party as a whole were both in official opposition.[2] The Labour pro-

[1] For the debate from all sides of the left on the significance of these developments, see the pamphlet by John Gyford and Stephen Haseler, *Social Democracy: Beyond Revisionism* (London, 1971); Eric Heffer, "Labour's Future," *The Political Quarterly*, 43 (October–December 1972), 380–388; John P. Mackintosh, "The Problem of the Labour Party," *The Political Quarterly*, 43 (January–March 1972), 2–18; John P. Mackintosh, "Socialism or Social Democracy? The Choice for the Labour Party," *The Political Quarterly*, 43 (October–December, 1972), 470–484; Tom Nairn, "The Left Against Europe," *New Left Review*, 75 (September–October 1972).

[2] For a description of the British political response to the question of Common Market entry, see Robert J. Lieber, *British Politics and European Unity: Parties, Elites, and Pressure Groups* (Berkeley, Calif., 1970), and Uwe Kitzinger, *Diplomacy and Persuasion: How Britain Joined the Common Market* (London, 1973).

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Marketeers, heavily right wing, found themselves a small beleagured minority, and their position raised fundamental questions concerning the relationship between liberalism and populism, and the nature of a representative democracy.

Although the historic question of British entry into Europe was practically unique, and populism is a modern phenomenon, the debate centered about the classic issue, dating at least from the time of Edmund Burke, as to whether the legislator is a literal representative of his constituency, reflecting its will, or an independent agent, utilizing his judgment and knowledge. Burke's memorable definition of a representative's relationship to his constituents hung like a cloud over the Labour benches throughout the debate:

> Their wishes ought to have great weight with him; their opinion high respect; their business unremitted attention. . . . But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. . . . and he betrays, instead of serving you, if he sacrifices it to your opinion.[3]

The contrast between Burke's elitism and the populist view of democracy, as well as the implications for the power struggle within the Labour party, are explored in this article.

The Common Market Parliamentary Debate, 1971

The debate in the House of Commons on Great Britain's entry into the Common Market was conducted on a scale appropriate to the historical significance of its subject, which one of the speakers termed "possibly the greatest single issue which the House of Commons has had to decide, certainly since May, 1940, and arguably since the beginning of the century."[4] From October 21 through the final vote on October 28, there were more than fifty-four hours of debate stretched over six days, with one session actually lasting from 4:30 in the afternoon until 7:00 the next morning.

The resolution which generated this controversy was a disarmingly simple one: "That this House approves Her Majesty's Government's decision of principle to join the European Communities on the basis of the arrangements which have been negotiated."[5]

The debate was a wide-ranging, unstructured one with each speaker accenting those probable effects of European Economic Community (EEC) membership which he or she felt were most significant. Economic issues were understandably prominent with assertions about the future of British industry presented by both sides and predictions about agriculture primarily by the anti-Marke-

[3] Ross J. S. Hoffman and Paul Levack, *Burke's Politics: Selected Writings and Speeches of Edmund Burke on Reform, Revolution, and War* (New York, 1967), p. 115.

[4] *Hansard*, 823 (October 28, 1971), c. 2149.

[5] Ibid. (October 21, 1971), c. 912.

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teers. Constitutional and political questions loomed almost as large, with the anti-Marketeers alarmed about the country's national and parliamentary sovereignty as well as its relationship to the Commonwealth countries; both sides, on the other hand, argued about the effects of entry upon Europe and European unity. The Labour factions debated whether socialism would be facilitated or impeded by this move. All hands joined in on the question as to whether or not the terms negotiated by the Conservative government were better or worse than those that would have been presented by Labour. This study ignores much of this rich material in order to concentrate upon the pertinent parts of speeches which directly reflect the populist-liberal split within the Labour party and concern the nature of democratic representation.

The length of the debate was not caused by the size or complexity of a one-sentence bill nor by the hope that votes would be swayed after more than a decade of discussion during which all substantial points had been rehashed numerous times. The debate was time consuming because so many MP's felt the necessity to declare themselves on this momentous vote and to place their reasons on record for their constituency, their party, and themselves.

Although this necessity was found particularly among those MP's who had switched their votes, most of those who felt called upon to explain their position were voting contrary to their party majority or their constituents. Thus, the Labour pro-Marketeers felt a double pressure to justify themselves.

The moral pressure upon them was reinforced by the imposition of a three line whip, the strongest warning to members that party discipline should be followed.[6] Because of this, the pro-Marketeer members of the shadow cabinet, although eventually voting for entry, drew the line at speaking in the debate against their party's position. Since they were the major figures on one side of the party controversy, their silence gave the debate a somewhat eerie quality. Party pressure was also reflected in a number of pro-Market Labour MP's who, although speaking for entry, abstained on the vote, thereby maintaining the consistency of their principles, yet not defying party discipline. Because of this intraparty civil war on the Common Market, the sharpest debating points were often scored by Labourites on both sides.

The Concept of Majority Rule

The basic political attack by their party opponents upon the Labour Marketeer MP's was that in giving their support to British entry into the EEC (and thus guaranteeing its approval by the House of Commons) they were antimajori-

[6] The conservative dissidents were not under a similar disciplinary threat because Prime Minister Edward Heath, a short time earlier, had removed the whip on the question and allowed his followers a free vote. His move was primarily a symbolical and psychological ploy against Wilson; it did not have a substantial effect because the voting lines were rather fixed at this time. If he had withdrawn the whip at the start of the nationwide discussion on entry, the results on all sides might have been quite different.

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tarian and were fulfilling the fundamental proposition of populism: the majority opinion of the people is checked by an elitist minority. We shall concentrate on how each of these terms, "the majority opinion of the people," and "an elitist minority" was used in the debate. To place our analysis in perspective, we shall also examine the party and national background of these terms and their implications and future role as the Common Market controversy continued to unfold.

"The majority opinion of the people" had a number of different interpretations during the debate. We shall analyze here two kinds of majority, popular and party, even though, in fact, the Labour Marketeers were attacked by their populist colleagues for being against both and thus damned as "undemocratic" by any standard.

Although the prospect of voting for a measure contrary to the wishes of the people concerned all MP's, it was of particular concern to Labourites because of their commitment to mass democracy. The party had possibly never before contemplated a situation in which a legislature could justifiably flout the majority will. Impellingly persuasive, therefore, was the reasoning of William Hamling: "If we fail to vote against these terms, we fail in our democratic duty. People will say 'What is the point of having a Parliament which does not do what the people want?' "[7]

Since this aspect of the debate was largely based upon an estimate of popular sentiment, the public opinion polls often were cited. The message of these oracles was somewhat clouded because they indicated not only that public opinion differed in intensity on this issue but also that it could shift sharply and was markedly susceptible to changes in governmental and party position. There was little question, however, that at this time more persons were definitely opposed to Common Market entry than definitely in favor of it. Nevertheless, because of abstentions and "don't knows," this still did not mean that a majority of the total population was necessarily opposed.[8]

Supplementary questions in public opinion polls intensified and confused their significance to legislators. Carol Johnson, a pro-Marketeer, conceded that only a minority were in favor of entry, but stressed the significance of the finding that a heavy majority (80 percent) believed that the British would enter nevertheless. In one district poll, 93 percent predicted entry even though only 31 percent were in favor of it.[9] Instead of satisfying the democratic sensitivities of his opponents, this provoked them all the more. John Mendelson said:

> Does not my hon. friend agree that that shows a deplorable state of affairs? It shows that members of the electorate have become convinced that their opinion is not to be taken seriously and that they are not to be properly consulted; indeed, that their opinions will be ignored.[10]

[7] *Hansard*, 823 (October 22, 1971), c. 1158.

[8] Kitzinger, *Diplomacy and Persuasion*, pp. 352–370, 411–421; and Lieber, *British Politics and European Unity*, pp. 226–235.

[9] *Hansard*, 823 (October 22, 1971), c. 1168.

[10] Ibid., c. 1168–1169.

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Mendelson's solution to this lack of popular consultation was a general election. When he developed this view later in the debate,[11] he underscored a major theme presented by Douglas Jay, that the contemplated step was a fundamental break with past precedent since no modern major constitutional change had occurred without the mandate of the people. Jay charged: "Never in modern times has it been suggested that sweeping and irrevocable changes can be made in our constitution without any mandate from the electorate—and, incidentally, in virtually no other democratic country either."[12]

A general election possessed an obvious plausibility because it had been the only method by which a legitimate mandate had been secured in Great Britain. It would, also, on the surface, offer a facile method by which Labour could return to power. A party which had only lost the last general election by a narrow margin could be assumed to have an excellent chance of victory if it would uphold the popular position on Market entry.[13]

There was, however, one serious drawback to a Common Market general election. The parties were not united in their position, and the Labour party, in particular, had a large, articulate, committed minority opposed to the official party position. A general election on this issue would have presented these minority members a number of bleak alternatives in the campaign: toeing the party line, remaining silent, or leaving the party altogether. This last possibility, most satisfying to their partisan enemies, would clearly have decided the power balance within the party and have determined its future character and orientation. It would also, however, have drastically unsettled the British party constellation and might have relegated the Labour party to an almost permanent minority status.

The Referendum

There was, however, an alternative method available for authoritatively ascertaining public opinion on this issue which would not have carried such stark consequences for the party. This was the referendum. The referendum had intermittently been advocated by opponents of an existing parliamentary majority which was planning, they feared, fundamental and dangerous constitutional change.[14] Nevertheless, it had never before been used in British history. Governments were understandably unenthusiastic about any scheme which would bypass the parliamentary majority, which was the source of their own authority.

[11] Ibid. (October 27, 1971), c. 1795.

[12] Ibid. (October 25, 1971), c. 1355.

[13] At a Cooperative anti-Market rally held ten days after the 1970 general election, one of the main speakers said words to the effect: "This is, of course, neither the place nor the time to analyze the defeat of the Labour party in the last election; *however*, there is no doubt that if it had run on a strong anti-Market stand, it would have won impressively." Personal recollection.

[14] The heyday of referendum proposals came in the period of the Parliament Act controversy from 1909 to 1911.

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Constitutionally, the referendum seemed to undermine the power and responsibility of Parliament and the legitimacy and effectiveness of legislative representation. Thus, such a resort to the popular will was contrary to British usage and practice, and alien to their interpretation of democracy.

Despite these drawbacks, the referendum did have a potent appeal in the Common Market controversy because its simplicity and directness made it the ideal populist device for cutting through the frustrating institutional layers between the popular will and governmental action. It would also have rendered irrelevant the question of how responsive its members should be to their constituency. In addition, the referendum had certain obvious advantages over a general election. Since convictions about entry did not mesh neatly along party lines, persons from all parties could work for a common purpose and the result would be a clear-cut policy decision unattainable in a general election in which other issues and historical associations would inevitably play a distracting part.

Since public opinion was assumed to be opposed to entry at the time, the first suggestion of a referendum predictably came from the anti-Market camp. This occurred in the summer of 1970 with the first seeds of doubt as to whether Labour would remain steadfast for the Market when the Tories were negotiating the terms. An article by Douglas Jay appeared in *The Times* proposing a referendum on the question. The main thrust of his argument was the same as it would be a year later in the House of Commons when, as we have seen, he would favor a general election: that the Treaty of Rome was a fundamental constitutional change and morally required an appeal to the electorate. The ideal solution, he argued in 1970, was a popular referendum.[15]

The response to Jay's unusual proposal raised stimulating historical and constitutional questions. The pro-Market *Times*, in a leading article on the same page wondered why other governmental decisions of equal importance, such as the granting of independence to India by a Labour government of which Jay had been a member, had not required the same form of popular approval. *The Times* got to the heart of the constitutional issue and to the implications of a referendum in the British political system when it wrote:

> The truth is that one has to make a choice between parliamentary government and direct popular referenda. Parliamentary government implies that the government is charged with the whole responsibility for advancing and protecting the welfare of the nation.[16]

This constitutional reflection received a new significance when it was transposed from the establishment's paper to the socialist *New Statesman*, under the new editorship of Richard Crossman, formerly of Wilson's Labour cabinet and, before that, the scholarly leftist critic of every Labour government and shadow cabinet. When Crossman passed judgment, with characteristic brilli-

[15] *The Times*, August 1, 1970, p. 13.
[16] Ibid.

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ance of perception and bluntness of language, upon Jay's proposal he held up to the Labour party its predicament of straddling two fundamentally differing conceptions of democracy: a populist one with ultimate recourse to the opinion of the people and a liberal, elitist one which required popular opinion to be filtered and interpreted through the intermediary functions of a party leadership and a representative assembly. In answering the question of the title of his leading article, "Who Has the Last Word?" he wrote:

> Even in British politics, there are some unmentionable truths. If democracy worked in an Athenian sense, this country would still exercise the death penalty, flog young criminals, forbid abortion, repatriate immigrants, punish homosexuals, ban strikes and abolish aid to poorer countries. But all these decisions would be opposed by the majority of those who consider themselves both radicals and democrats. We resolve the paradox by the theory of delegated democracy, according to which only a measure which has run the gauntlet of party approval and parliamentary routine really deserves to be called the people's will. *Better the liberal elitism of the statute book than the reactionary populism of the market-place.* Referenda or plebiscites (the French example is often invoked) notoriously confirm right-wing acts: they do not voice left-wing opinions.[17]

His advice to the anti-Marketeers, with whom he was in sympathy, was to avoid the lure of the populist referendum, despite the mass support behind them, and rather achieve their ends by exerting pressure upon the Labour party and its leadership, thereby operating within the traditions and practice of effective parliamentary democracy.[18]

Unlike Crossman, Anthony Wedgwood Benn, when faced with the implications of the choice between populism and liberalism, not only opted for populism but made it the central theme of his politics. Echoing Jay's plea for a referendum, he emerged as its leading advocate. He wrote in a letter toward the end of 1970 to his constituents in Bristol South-East, in an ironic twist to that city's historic identification with representation almost two centuries before:

> If people are not to participate in this decision, no one will ever take participation seriously again. . . . It would be a very curious thing to try to take Britain into a new political unity with a huge potential for the future by a process that implied that the British public were unfit to see its historic importance for themselves.[19]

Benn's espousal of the referendum on the Market issue seemed a curious one. Although pressures were unmistakably building up in the party against Market entry, he still considered himself a pro-Marketeer. Since popular opinion was assumed to be negative, his position was attributed to either foolishness or Machiavellianism. This latter view seemed borne out by his turning against the Market in the October debate and eventually becoming a leader and symbol of its opposition. What was not generally credited, however, was that Benn,

[17] *New Statesman*, 80 (August 7, 1970), 137 (italics added).
[18] Ibid., p. 138.
[19] Kitzinger, *Diplomacy and Persuasion*, p.296.

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once committed to the principle of popular participation by having endorsed the referendum, was carried along by its implications on the substantive issue itself.[20]

This view was reflected in his speech in the Commons debate when his open-mindedness about the Market contrasted sharply with his zealousness about majority rule. Thus, although he began with restraint and detachment, his language heated up considerably toward the close, as he exclaimed:

> What I warn the House of is this. If the people think that by a temporary coalition, which has never been tested at the polls, some members of Parliament claiming a divine right that we have denied to kings, deny the people the right to decide their own future, we are in serious trouble [Interruption]. . . . We live in a world where enormous and unaccountable powers are everywhere growing . . . and people see in this Chamber the one thread connecting them to a countervailing power. If we cut the thread that connects them to us I do not believe that this House can long survive.[21]

Party Majority

The critics of the pro-Marketeers who emphasized that the party and the majority of its membership were opposed to their position faced little problem as to the factual basis of their assumption. The lack of enthusiasm at this time for Market membership in both the trade unions and the constituency parties was uncontestable. An electrical union MP noted that 25 percent of its membership had voted 3 to 1 against entry,[22] and Hugh Jenkins pointed out that the number of pro-Marketeer Labour members who had the support of their constituency parties on this issue could be counted on the fingers of one's hands.[23]

A Labour MP who voted and acted contrary to his party would be at odds both with the Labour party outside Parliament, whose authoritative voice was the yearly party conference, and the Parliamentary Labour party, with which he had to work on a regular day-to-day basis. This minority role of the right wing pro-Marketeers, particularly in the parliamentary party, was an ironic

[20] All persons who supported the referendum did not accept all of its implications as did Benn. Certainly this was the case with the Conservative, Philip Goodhart, who became attracted to it as a utilitarian device for ascertaining public opinion. *Hansard*, 823 (October 25, 1971), c. 1270–1271.

[21] Ibid. (October 27, 1971), c. 1762–1763. Both before and after the debate itself, Benn had gone beyond a pure leadership role to become the symbol of the referendum and of the political philosophy behind it. His identification with populism and his personality have resulted in the establishment perceiving him as "the enemy." Few figures in political life have been subjected to anything approaching his harsh treatment by the quality press, especially in *The Economist* and *The Times*. In this, he has become the symbolical mirror opposite of Roy Jenkins, the leader of the elitists.

[22] David Stoddart was the MP, *Hansard*, 823 (October 21, 1971), c. 961. Needless to say, any pro-Market MP connected with a pro-Market trade union took pains to make this explicit. Ibid. (October 26, 1971), c. 1569, and ibid. (October 27, 1971), c. 1983.

[23] Ibid. (October 27, 1971), c. 1906.

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one because they had, historically, been in the dominant position. Thus, the gamekeepers and the poachers had exchanged roles, a fact which cropped up many times in the debate, especially when the new rebels pointed to their long record of party faithfulness and obedience. When Michael Stewart, a former foreign secretary, had been interrupted by Renee Short, an ardent long-standing leftist rebel, he said:

> This is the first time in twenty-six years that I have defied a party Whip so I am in a sense making a maiden speech. In a sphere where I am a maiden and she is an experienced matron, I hope that she will show me indulgence.[24]

Dr. J. Dickson Mabon could similarly point to sixteen years of loyal service. "In sixteen years," he noted, "I have never once voted against my party . . . sixteen years of faithful, loyal, virginal service. There comes a time—and that time is on Thursday."[25]

The memory of the anti-Marketeer group was just as keen as that of their opponents and, considering their bitterness at long years of subordination, they could score debating points with more relish. Arthur Lewis, for example, recalled a long history of consistent dissent and the harshness with which he had been treated:

> Many of those who have declared that they will vote—in this case not so much against the party line but with the Tories which I never did—wanted to have my throat cut. "Expel him" they said, "withdraw the Whip." But now they say that they do not want any action taken against them. I have never been a hatchet man, but it is the hatchet men who wanted to cut my throat, chop off my head, who are saying now that we should not take action against them.[26]

Other anti-Marketeers had emphasized Lewis' point that their opponents were not only rebelling against the party and the large majority of its members but, in doing so, were actually supporting a Conservative government.[27] Moreover, to intensify party emotions, the Heath government, at this time, was still in its first phase, a relatively reactionary period. William Hamling, a former assistant government whip, indignantly declared: "As a Socialist, I cannot go into the Lobby in support of that Motion. Terms acceptable to a Tory Government? Not for me, and I hope not for any member of the Labour Party."[28]

[24] Ibid. (October 26, 1971), c. 1518–1519.

[25] Ibid., c. 1537.

[26] Ibid., c. 1811.

[27] John Mendelson found it a galling break with precedent that members of the Labour shadow cabinet, even a deputy leader, were, in effect, expressing confidence in a Tory government. Ibid., c. 1793.

These claims were mathematically correct. As Peter Shore, one of the leaders of the anti-Market forces pointed out, the Conservative government did not have enough votes, because of its own Market dissidents, to secure a majority for the measure without Labour support. Ibid. (October 21, 1971), c. 1012.

[28] Ibid. (October 22, 1971), c. 1157.

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Party Conference and Parliamentary Labour Party

As the Market controversy continued to heat up, it was inevitable that the traditional issue of the Parliamentary Labour party's responsiveness to the party conference, the annual meeting of delegates representing the party membership, would again rise to the surface. The advocates of the predominance of the conference have over the years pointed out that the party constitution gives it the power to lay down authoritative party policy and that the Parliamentary Labour contingent merely applies its directives. Those on the other side claim, however, that the Parliamentary Labour party, by virtue of its discretion in the conduct of parliamentary business is, in reality, an independent power with only the most shadowy and tenuous influence exerted by conference directives.[29]

The right wing of the party, closely associated with the leadership, historically possessed the best of both worlds, since choice of timing and priority within the party program delivered the keys to power to its hands, and its actions were reinforced by the moral authority of a conference which they usually controlled through their alliance with the trade unions. Only when the sands began to run in the opposite direction and the left increased its control in the conference in recent years, did it begin to reexamine the relationship, raise questions about the authority of the conference, and perceive the unhealthy aspects of majority rule in the party.[30]

The whole subject of the relationship between the party conference and the Parliamentary Labour party, with its delicate intraparty power web, was one which the party leadership would hardly have wanted broached in public, especially in front of their enemies on the floor of Parliament. Yet the issue was too closely connected with the realities of the Common Market debate and too near the surface of the minds of its participants to have remained underground permanently. It had already been raised earlier at the party conference by Norman Atkinson[31] and he saw no reason why he could not present it in the parliamentary debate as well. "The rank and file of our movement have laid down the policy which will be pursued at the Election . . . therefore Parliamentarians must come to some understanding of what is being demanded by the wider movement outside."[32]

With this opening of the crack in Labour's constitutional can of worms, the Conservatives could hardly resist the urge to widen it further to their opponents' embarrassment. "If that is true while the Labour Party is in opposition, why is it not true when it is in Government?" asked a Conservative, Peter Emery. "If in fact it is true when it is in Government, the Government are

[29] R. T. McKenzie, *British Political Parties: The Distribution of Power within the Conservative and Labour Parties*, 2d ed. (New York, 1966), pp. 12–15, chap. 7, and pp. 485–516.

[30] See the dispute on the subject at the 1960 conference, ibid., pp. 617-620.

[31] Kitzinger, *Diplomacy and Persuasion*, p. 325.

[32] *Hansard*, 823 (October 27, 1971), c. 1771.

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held entirely to the wishes of the policy-making body of the Labour Party Conference."[33]

Atkinson was in no way reluctant to support this conclusion and to uphold the conference's power even over a Labour government. He answered immediately in the affirmative: "Indeed they are. . . . The Parliamentary Labour Party is not a sovereign body in that sense. . . . It is subservient to the decisions taken elsewhere by the membership of the British Labour Party."[34]

Realizing what this family quarrel, with all of its unpleasant overtones, was doing to their public image as well as their constitutional position, some of the Labourites tried to halt this line of debate before even more damaging statements would emerge that could plague the party for years.[35]

Elitism

When Labour leader, Harold Wilson, finally had his turn near the end of the great debate, he presented his conception of the contest being fought out in Parliament and in the country. In noting that the mass media, which he never trusted from the day he became party leader, were united for Market entry, he said: "What we have seen has been a classic confrontation—the Establishment against the common sense of the British people."[36] In sounding this theme, he was reinforcing an antielitist thread which had run through the whole controversy.

Almost a decade earlier, Hugh Gaitskell (his predecessor as party leader) had declared in his speech to the Labour conference in 1962 when he threw his weight against Common Market entry:

> We are now being told that the British people are not capable of judging this issue —the Government knows best; the top people are the only people who can understand it; it is too difficult for the rest. . . .
>
> Of course, they extend the argument now. "We must go in," they say, "because the people who really understand it, the top people, all want it." . . . But what an odious piece of hypocritical supercilious, arrogant rubbish is this! And how typical of the kind of Tory propaganda we may expect upon the subject—the appeal to snobbery, the big people know best; you had better follow them.[37]

This model of an arrogant elite opposed to the majoritarian will was presented by the anti-Market Labourites throughout the parliamentary debate. Peter Shore, one of their leaders, believed that the popular majority was opposed to entry despite the efforts of the government and "virtually all the elites in British society."[38] Fred Peart, in a similar vein, said in commenting upon the fact that the view of the media was different from that of the people:

[33] Ibid.
[34] Ibid.
[35] Ibid., c. 1772.
[36] Ibid. (October 28, 1971), c. 2081.
[37] 1962 Labour Annual Conference Report, pp. 164–165.
[38] *Hansard*, 823 (October 21, 1971), c. 1013.

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> There has been too much intellectual arrogance and elitist thinking on this matter, and individuals who have advocated their case have displayed a remarkable arrogance to those who have disagreed with the Establishment. Those individuals have dismissed the views of ordinary men and women.[39]

This elitist stamp of the pro-Marketeer Labourites was reinforced by the public image of their dominant figure, Roy Jenkins. Although a gifted man, brilliant, moral, and articulate, he totally lacked the common touch and exhibited little sense of party camaraderie or rapport with the working class.

At times, those in favor of Market entry gratuitously set themselves up as caricatures of the elitism and arrogance which their opponents found so irritating. The most egregious example of this occurred when Patrick Wall, a Conservative, explained the factors which had eventually influenced him to move to the Marketeers. He said that he was prepared to disregard polls that showed people, especially housewives, worried about rising prices and showing no awareness of future economic advantage. "I believe," he said, "that though they show a majority against entry, this majority may not be the thinking majority."[40]

With this opening, Gerald Kaufman went in for the kill against his vulnerable target:

> In saying that the thinking majority rather than the majority as a whole whose views he takes into account is the Hon. Gentleman saying that it is his view that in parliamentary elections we should cast aside all votes which are not based upon deep thought and accept only those of what the Hon. Gentleman calls the thinking majority.[41]

One advantage which the "thinkers" had in this controversy was their control of the organs of opinion which gave them the opportunity of deflecting the majority opinion to their side. The Labour anti-Marketeers, therefore, considered it a victory that the majority opinion, at the time of the debate, had held fast against these pressures. Norman Atkinson exulted:

> I find it most encouraging that the mind-benders have been defeated. This is the first occasion I recall when, after the British people have been subjected to a deluge of propaganda—educational processes, some Hon. Members have called it—the mind-benders have been defeated. That should give us great encouragement in the Socialist movement. It means that a future Labour Government could, perhaps, pursue Socialist policies in the teeth of total opposition from the British press.[42]

The Defense of the Pro-Marketeers

In the face of this determined populist attack by the Labour anti-Marketeers, what defense did their pro-Marketeer colleagues present and how did they an-

[39] Ibid. (October 22, 1971), c. 1097.
[40] Ibid., c. 1177.
[41] Ibid.
[42] Ibid. (October 27, 1971), c. 1769–1770.

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swer arguments aimed at their most basic political principles? Their essential rebuttal was strongly Burkeian, even though filtered through their democratic sensitivities and convictions. Most of them admitted the unhappiness of their predicament at being democrats forced by circumstances to vote against the majority view. They would then, nevertheless, proceed to one or both of two defenses of traditional liberal parliamentarianism:

1. It is a duty of political leadership and parliamentary legislators to do what they feel is right according to their own judgment
2. Minority opinion may be proven correct, especially since libertarian values are not often supported by a majority

The most succinct presentation of these points was made by Dr. David Owen who said, toward the end of his address in the debate:

> Power is exercised by permission of the people. It upsets me to find that at the moment public opinion is against us on this issue. I take no pride in the fact that we are making our decision on Thursday when all the evidence seems to show that public opinion does not wish to enter the European Economic Community. It worries me as a democrat that we should be making such a major decision against public opinion.
>
> But public opinion has not always been right on major issues. Public opinion was in favor of appeasement in the 1930s. Public opinion has, on occasions, to be led, and to be led from in front. What is at issue at the moment is whether a political party sticks to its beliefs because it believes in political principles. Is it prepared to lead opinion, not always to follow it? That is the issue. . . . That is why I shall vote on Thursday to support British entry, but I shall do so in a mood of sadness that I have to make a decision to go against the will of my party. . . . They [the electorate] will expect us to exercise judgment, and my judgment is that Britain should enter the European Economic Community.[43]

The debate was studded with the remarks of Labour pro-Marketeers reflecting their sadness and unease at finding themselves at odds with the majority, sometimes the majority in the country, and always the majority in the party. They had to face the gnawing question as to how they could maintain their democratic convictions and still be opposed to the majority on the most important issue of the time.

To some, this dilemma forced a painful abstention. Frederick Mulley particularly emphasized this kind of self-doubt because he had been a consistent long-standing pro-Marketeer. Torn by the tension between populism and liberal elitism, between doing what the people want and what is "best for them," he felt that he could not vote either way.[44] Dick Leonard, caught in a similar vise between his convictions and the will of his constituents, decided against abstention:

[43] Ibid. (October 26, 1971), c. 1637–1638.
[44] Ibid. (October 27, 1971), c. 1865–1866.

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> In my view that would be an abdication of responsibility, and would go flatly against the repeated pledges which I have given to my electors to exercise a considered judgment of what is in the best interests of the people I represent.[45]

Other pro-Marketeer Labourites, such as Michael Stewart and Roy Hattersley, had similarly tried to cushion the pain of their dilemma by noting the consistency and public nature of their commitment. They maintained that even though they were at odds with the views of their constituency, their electors had been well aware of their position when they voted for them.[46]

The tersest statement on the necessity of political leaders to lead rather than follow came from Edmund Dell:

> My party says "No" and my judgment says "Yes." Can I vote "No" tonight against my judgment on this great issue? I have no alternative but to vote in accordance with my judgment.[47]

The cruelest presentation of this view came from Richard Crawshaw who complained that those in control of his party were acting like politicians rather than statesmen. A statesman should, he bitingly quoted a Harold Wilson article in the *Brittanica Book of the Year* of 1971, " 'accord respect but not idolatry' " to the public opinion polls.[48] Then, sticking the knife deeper into his leader, he continued quoting Wilson: " 'Then recognise you were elected as a legislator—as an executive to exercise judgment—not on what is expedient or politically rewarding, but a judgment of what is right.' "[49] "That is why," Crawshaw concluded, "I shall be voting for entry into the European Community."[50]

The most compelling of the pro-Market Labourite arguments and yet the one which caused the most soul-searching was the view that the minority could be right and the majority wrong. It was a difficult argument for them to present because it seemed to attack the basic foundations of a democratic philosophy and undermine the historical unity and raison d'être of their party. It also played into the hands of those who charged the liberals with being elitists. Their position also accentuated an already existing party division by emphasizing that the mass base of the Labour party, with all of its humanitarian and idealistic traditions, really was not in favor of many of its humanistic social reforms.

This issue, which had already been raised the previous year by Richard Crossman in his antireferendum leader in the *New Statesman*,[51] was faced most squarely by Leo Abse. A rugged nonconformist and a noted crusader for ad-

[45] Ibid. (October 28, 1971), c. 2171–2172.
[46] Ibid. (October 26, 1971), c. 1514–1515; ibid. (October 27, 1971), c. 1805.
[47] Ibid. (October 26, 1971), c. 1514.
[48] Ibid. (October 27, 1971), c. 1929, 1931.
[49] Ibid., c. 1932.
[50] Ibid.
[51] See the section "The Referendum."

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TABLE 1

Parliamentary Vote on British Entry into the Common Market, October 28, 1971

	Conservative and Ulster Unionist	*Labour*	*Liberal*	*Others*	*Total*
In favor	282	69	5		356
Against	39	198	1	6	244
Abstained	2	20			22
Unable to vote	6	2			8
	329	289			630

SOURCE: Uwe Kitzinger, *Diplomacy and Persuasion: How Britain Joined the Common Market* (London, 1973), p. 400..

vanced social and humanitarian legislation, he felt no ambiguity or contradiction in his minority position and, indeed, openly exulted in it:

> I am not afraid of holding what is a minority opinion within the community. It is a customary position for me at the beginning of any campaign with which I have been identified. I do not believe that it is necessary for us always to act as a seismograph, merely registering passively outside opinion. Indeed, nothing that I have been able to do in the House would have been gained if I did not take a contrary view.[52]

The Vote

On October 28, 1971, the House of Commons voted on the Market entry resolution (see Table 1). Despite a narrow party majority in the Commons, the Heath government achieved an authoritative margin for entry of over 100 votes, thanks to the Labour dissenters and abstainers. Although there were other votes to be taken, this was the decisive one on this major national question. For the Labour party, however, the drama still had a few more acts to go and a few more turns in the plot to unfold.

Aftermath and Conclusion

The populism, the anti-Market feeling, the power of the left, all continued to grow after the debate. The next year, Benn's crusade for a popular referendum overcame resistance at the top levels of the Labour party: the party thus officially committed itself that after its return to power it would bring the question of remaining in the Market to a popular vote. Because of this unprecedented acquiescence to populism, Jenkins resigned the Deputy Leadership of the party. His move fragmented an already weakened pro-Marketeer contingent because his followers divided on whether to join him or to try to exert some influence in the shadow cabinet.

[52] *Hansard*, 823 (October 27, 1971), c. 1887.

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This trend reached a climax at the 1973 party conference as it approved one of the most radical programs in its history with nationalization becoming once more the core of Labour party policy, despite the misgivings of the right. "It is like a dream come true," declared the left veteran, Michael Foot.[53] The anti-Market sentiment was overwhelming. By only the narrowest of margins was an absolute rejection of the Market defeated, thus allowing Wilson to maintain a semblance of party unity.

In 1974, however, Labour returned to head the government of a country already in the Common Market. Some anti-Marketeers almost immediately were concerned that Wilson, surely one of the master politicians of the century, would once again reverse his position. They watched with suspicion as, true to party conference directive, he renegotiated terms which would be presented to the people at a referendum. With slow and subtle steps, by 1975 the government came out in favor of accepting the new terms, and so advised the country. The anti-Marketeer Labour MP's were taken aback at this sharp reversal of policy. Although the Commons approved the acceptance of the renegotiated terms by over a 200-vote margin, Labour was split with a plurality, 145 to 137, against acceptance, with thirty-three members abstaining.

In the months before the referendum, Jenkins and his right-wing Marketeers, now riding a tide of public approval, sparked a vigorous drive, alongside Conservatives and Liberals, to win the referendum. The anti-Marketeers, dispirited by this turn of fortune, conducted a comparatively weak campaign, led by Benn.

The vote in the referendum held on June 5 reflected a resounding consensus, 2 to 1, in favor of remaining in the Market. Every region in the country, including Scotland and Northern Ireland, showed a favorable plurality. By the most reliable analysis, even the Labour voters showed a plurality (52 1/2 percent to 47 1/2 percent) in favor (but not a majority because of abstentions).[54] Although the split within his own party might be a cause for alarm to Wilson, nothing could be taken away from such a resounding victory. He could well say with a combination of exultation and relief: "Fourteen years of national argument are over."[55]

What tentative lessons and implications can we draw, even this early, from this remarkable episode in British political history? What does it tell us about the nature of the Labour party and, even more important, the British political system?

Predictions about the future constellation of forces within the Labour party would be foolhardy. With the resolution of the Common Market controversy, there is good ground for viewing it as a temporary, extraordinary threat to the right wing's alliance with the trade unions and its resultant control of the party. The party's left wing was severely shaken by its defeat on the refer-

[53] Author's recollection.
[54] *The Economist*, 255 (June 14, 1975), 21.
[55] *The Times*, June 7, 1975, p. 1.

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endum and the largest trade unions are now (March 1976) supporting the Labour government's stringent economic policies.

Despite this apparent return to the normal power pattern, it would, nevertheless, seem wiser to emphasize Labour's flexible coalitional character over the seeming permanence of any particular alliance. This must be recognized and respected by all wings of the party, left, center, and right. Persons join, identify with, and vote for left parties because they are liberal, democratic, and egalitarian. The fit between these differing elements is not an easy one and difficult choices, according to ever-changing priorities, inevitably must be made.

As for the British political system, some indications might be drawn from the characteristic words of the participants after the referendum had taken place. Benn declared:

> I have just been in receipt of a very big message from the British people. I read it loud and clear . . . I have no resentments. Minorities learn to accept majority decisions.[56]

Jenkins explained on television why the British people had voted as they did: "They listened to the advice of *people they were used to following.*"[57] The public was divided when asked in an informal newspaper poll if they were in favor of more referenda on other topics. Among those in favor, hanging was the most popular subject. "Yes, stringing up murderers," said an old man in Hackney. "They never gave us a vote on that, did they?"[58]

Despite its acknowledged democratic nature, the political system does blend, in a characteristically British way, the elitism of its leaders and the deference of its masses. Democratic representatives did act according to their judgment and contrary to majoritarian popular views. Moreover, this elitism was acknowledged and accepted by the general population, if not necessarily by the Labour party membership itself. Even when the majority was opposed to entry, it felt nevertheless that entry was inevitable. This popular majority in opposition, itself, eventually melted away under the heat of elitist pressure to only one-third of the population by the time of the referendum.

If this judgment is correct, why was this controversy so remarkable? Why do not differences of opinion between Parliament and the people erupt into more major political clashes? One answer would appear to be that British democracy operates through a series of unwritten rules, particularly a tacit agreement among the party elites to keep off the agenda of party division certain potentially explosive social issues upon which a popular majority has strong feelings, such as hanging and race relations. The free vote in the House of Commons, when party discipline is removed, is a handy device for securing this objective. Similarly, a party rebel, such as Enoch Powell, could be severely

[56] Ibid., p. 3.

[57] This was reported and italicized by the critic Kenneth Tynan, no admirer of Jenkins. *New Statesman*, 89 (June 13, 1975), 779.

[58] *The Observer*, June 8, 1975, p. 3.

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treated by his Conservative party leaders because he raised questions about race and immigration. This tacit agreement among party elites, together with strong traditions of mass party loyalty, prevent the mobilization of discordant majority sentiment on sensitive issues.

Common Market entry became a salient political issue because the party leaders temporarily let down their guard. Lulled by the traditional popular unconcern with foreign affairs, they failed to appreciate its dangerous potential in the face of the charged and bitter divisions within the Labour party. Students of politics will watch the British situation closely to determine whether this episode has taught their leaders future caution and circumspection or whether it will set a precedent for more populist oubursts, thus possibly leading to a reinterpretation of democracy.*

* This article is a revision of a paper presented on September 14, 1975, at the Annual Meeting of the American Political Science Association in San Francisco.

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The United States and the Origins of the World Court

DAVID S. PATTERSON

When the League of Nations Commission at the Paris Peace Conference completed the Covenant of the League of Nations in early 1919, article 14 provided that the Council of the League should "formulate . . . plans for the establishment of a Permanent Court of International Justice." The general statement of the jurisdiction of the world court (as it was commonly called) and the omission of details for its composition and procedure in this article suggested that the new judicial body was a kind of afterthought and distinctly secondary in importance to the League.[1]

Those Americans who had most vigorously championed the creation of a world court before and during World War I welcomed the provision for the permanent court, while simultaneously expressing strong reservations about its parent body, the League of Nations. Their attitude reflected their priorities in the area of world organization. They had been such zealous and persistent promoters of a permanent court of justice before 1914 that participants in the American peace movement had widely recognized that it was primarily an American proposal, and they did not easily accept the court's proposed dependence on the League after the war.

The subordination of the ideal of a juristic world order to a politically oriented

[1] David Hunter Miller, *The Drafting of the Covenant*, 2 vols. (New York, 1928), II, p. 729. Article 14 also said in very general terms that the court could hear any international dispute "which the parties thereto submit to it" and could give advisory opinions on questions "referred to it by the [League] Council and the Assembly."

DAVID S. PATTERSON is assistant professor of history at Rice University. He is the author of numerous scholarly articles in the area of peace research, and his study of the American peace movement in the generation before World War I will be published shortly.

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League of Nations derived in the first instance from general agreement in the commission that the cataclysmic war experience required new and more imaginative approaches to international organization than the prewar legalism, but Woodrow Wilson, who dominated the League of Nations Commission, intensified this deemphasis and nearly prevented its inclusion in the Covenant. Ironically, among the major governments of the Western world a reversal of roles occurred on the question of a world court. The European allies, much more skeptical than the Americans about the feasibility and advantages of a judicial court before 1914, were ultimately responsible for persuading Wilson to accept the provision for the Permanent Court of International Justice. The reasons for this reversal help to explain both the continuities and discontinuities in the movement for international organization between the prewar and postwar eras.

The Legalist Approach to World Order

Several persons had advanced plans for a world court in the eighteenth and nineteenth centuries, but it was not until the 1890s that advocates of peace began to focus their attention on the desirability of some kind of high tribunal for resolving international controversies. Even during this decade, however, its promoters rarely distinguished between political and legal issues or developed elaborate blueprints for the court's procedure and jurisdiction. Simple moral uplift characterized much of the rhetoric: a court was a noble institution which all upright, self-respecting people should endorse as a feasible method of reducing the likelihood of wars and of cultivating international friendship.[2]

Nevertheless, the idea of a permanent court of justice evolved out of the intellectual ferment created by the growth of the arbitration movement and talk about a high tribunal in this decade. Although the proliferation of arbitration treaties actually signified the efforts of nations to ameliorate escalating national rivalries, friends of peace interpreted them primarily as significant barometers of the growth of international good will. The growing confidence in arbitration led inevitably to discussions on a permanent tribunal, which would formalize and regularize the arbitration process.

But the negotiation of many arbitration treaties also revealed its limitations. As one interested observer remarked, "the success of arbitration has served to emphasize its defects."[3] As early as 1896 the New York State Bar Association appointed a committee of eleven attorneys to draw up a plan for a permanent tribunal. The committee's report pointed out the weaknesses of arbitration in reforming the bases of international politics. Dissatisfaction with the arbitra-

[2] See, for example, Edward Everett Hale, "Address . . . ," *Report of the First Annual Meeting of the Lake Mohonk Conference on International Arbitration, 1895* (Lake Mohonk, N. Y., 1895), pp. 21–26. (Hereafter cited as *LMC*, with the appropriate year added.) On earlier proposals for an international court, see Sylvester John Hemleben, *Plans for World Peace Through Six Centuries* (Chicago, 1943), pp. 1–3, 16–17, 86–87, 105–106, 109–114, 122.

[3] Judge Alden Chester, "A Permanent Court," *LMC, 1899*, p. 47.

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tors animated their discussions. They emphasized that arbitrators selected by their respective governments were almost always partisans and thus lacked the detachment necessary for impartial judgment. As a remedy, the committee recommended that each of the high courts of nine major powers would select one of its distinguished jurists to sit as justices on a newly created international court. The plan attempted to ensure an impartial court in two ways: it would enable the great majority of judges whose nations were not parties to particular disputes to hear the cases more dispassionately, and the eminent jurists on the court would presumably render decisions more faithful to international law than nonlegal arbiters.[4]

The creation of the Permanent Court of Arbitration by the First Hague Peace Conference in 1899 constituted an advance in the machinery for the arbitration of international disputes; but because it allowed litigating nations voluntarily to select their own arbiters from a panel of names appointed by the separate states, it was hardly "permanent" or a "court." Early decisions of the Hague Court only intensified the legal community's agitation for changes in the arbitration procedure. International lawyers increasingly emphasized that the only way to eliminate partisan feeling and political influence in arbitrations was to devise treaties and conventions that would exclude arbitrators representing the litigating states. As William L. Penfield, solicitor in the State Department, stated the principle, "That no one can be truly a judge in his own cause is the primordial test of judicial competence."[5] In the decade before World War I sentiment among legalists crystallized around two campaigns for purging the defects of arbitration and enhancing nations' respect for international law: creation of a world court composed of renowned jurists, and renewed efforts to induce nations to agree on a code of international law. The two complemented one anoth-

[4] Walter S. Logan, "A Working Plan for a Permanent International Tribunal," *LMC, 1896*, pp. 60–65. Also see *Proceedings of the New York State Bar Association, Ninteenth [sic] Annual Meeting. Held at the City of Albany, January 22 and 23, 1896* (Albany, 1896), pp. 275–295. (Hereafter cited as *NYSBA*, with the appropriate year added.)

[5] For criticisms see ex-Secretary of State John W. Foster, *Arbitration and the Hague Court* (New York, 1904), pp. 79–104, though both Foster and Robert Lansing, his son-in-law and future secretary of state, proved in practice to be fundamentally cautious on international reform except perhaps on Anglo-American issues. See also Robert Lansing, "The Award of the Alaskan Boundary Tribunal," *LMC, 1904*, pp. 142–144; and William L. Penfield is quoted from his speech, "Some Problems in Connection with International Arbitration," *NYSBA, 1904*, pp. 256–257. Several lawyers also gently criticized early Hague Court decisions for failing to approximate the high standards of impartial justice they desired, though their fundamental conservatism made them very reluctant to question existing power relationships among nation-states. William L. Penfield, "The Venezuelan Arbitration and Award," *LMC, 1904*, pp. 35–40; John Bassett Moore, "The Venezuelan Decision from the Point of View of Present International Law," ibid., pp. 61–66; Simeon E. Baldwin, "Reverence for Law," ibid., pp. 71–73; "Report of the Committee on International Law," *Report of the Twenty-Seventh Annual Meeting of the American Bar Association, Held at St. Louis, Missouri, September 26, 27 and 28, 1904* (Philadelphia, 1904), pp. 416–417.

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er. Both the court and codified laws presumably would gain stature in world councils when the court applied the laws to specific cases.[6]

Lawyers' dissatisfaction with the limitations of international arbitration as well as self-interested professional aspirations led to the founding of the American Society of International Law in 1906, which thereafter became a leading forum for lawyers' international reform proposals.[7] The similarities of their professional training and experience gave the society's members a sense of common purpose. Many of them had reacted negatively to the political corruption of the Gilded Age and had participated in civil service and other "good government" reforms. They revered self-control, gentlemanly decorum, and correct deportment in their personal relationships and applied those standards as their ideal for international relations. They believed they had a mission to raise international law to the status of an honorable profession.[8]

Although the lawyers were not united in legal outlook, they did not analyze their differences. Some, like Elihu Root and David Jayne Hill, venerated natural law and insisted that judges could make decisions based on considerations of abstract justice, but they did not quarrel with those like John Bassett Moore who accepted legal positivism, which had increasingly influenced nineteenth-century jurisprudence. They often asserted the positivist notion that international law, much like municipal law in a much earlier and less certain stage of development, had evolved over the generations and could be studied historically as the gradual growth of a fairly clear set of rules. Legalists viewed international law as a constantly evolving process of accumulated precedents derived from arbitration treaties, conventions, and diplomatic practice. They emphasized that it was the willingness of nation-states to bind themselves to various international agreements that gave international law its substance and force.[9]

Legalists conceded that the analogy between municipal and international

[6] Charles Henry Butler, "How the Hague Court Might Be Made More Effective," *LMC, 1904*, p. 133; William J. Coombs, "Necessity for Codification of International Law," ibid., pp. 149–150; George W. Taylor, "A Regularly Organized International Court Needed," *LMC, 1905*, p. 51. I have applied the word "legalist" to individuals who placed primary emphasis on the development of legal principles in international relations. Legalists were overwhelmingly lawyers but included a few prominent nonlawyers like David Jayne Hill, Nicholas Murray Butler, and (to 1914) Theodore Marburg.

[7] George W. Kirchwey, remarks, *LMC, 1905*, pp. 128–130. Also see "History of the Organization of the American Society of International Law," *Proceedings of the American Society of International Law at Its First Annual Meeting Held at Washington, D. C., April 19 and 20, 1907* (New York, 1908), pp. 23–38. (Hereafter cited as *ASIL*, with the appropriate year added.) Also, Oscar S. Straus, "The Growth of the Society," ibid., pp. 215–217.

[8] C. Roland Marchand, *The American Peace Movement and Social Reform, 1898–1918* (Princeton, N. J., 1972), pp. 47–51, 56–57.

[9] David Jayne Hill, *World Organization as Affected by the Nature of the Modern State* (New York, 1911), p. 104ff.; Baldwin, "Reverence for Law," pp. 71–72; James Brown Scott, "The Legal Nature of International Law," *Columbia Law Review*, V (February 1905), 124–152; and the addresses by Richard Olney, John W. Foster, Theodore S. Woolsey, Richard Bartholdt, and John Bassett Moore on the subject, "The Second Hague Conference and the Development of International Law as a Science," *ASIL, 1907*, pp. 218–259.

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law did not yet extend to the area of sanctions. While the municipal court in theory could rely on the police to enforce some of its rulings, no such authority existed on the international level. Thus, John Austin, noted British jurist, asserts that only those rulings capable of enforcement could be considered international law. If Austin was correct, the creation of an international agency with positive sanctions against nations that violated their international agreements was a logical remedy.

American legalists, however, were unwilling to carry legal positivism that far. They rejected such a solution and directly criticized the Austinians.[10] Politically conservative, American legalists were pessimistic concerning the ability of men and nations to undertake major obligations in world politics. On the domestic level they distrusted the wisdom of majority rule in legislative bodies and condemned the growing clamor for legislative recall of judges. Similarly, they were skeptical of the collective will of international bodies and claimed that any authoritative institutions would sooner or later become oppressive and unjust. They asserted that only renowned judges were impartial and the only acceptable sanction for their decisions was the gradual development of "a world-wide public opinion" properly educated in the rights and duties of nations in the world community. Although the lawyers' use of the phrase "public opinion" was vague, their distrust of the masses implied restriction of that concept to the professional and diplomatic elite. Legalists believed that a long-range campaign could successfully enlighten these educated classes in the moral foundations of international law. In the meantime, they suggested that the jural consciousness of "public opinion" already acted as a sufficient sanction in almost every case.[11]

From the Second Hague Peace Conference to World War I

If the legalists were dissatisfied with shortcomings in the arbitration movement, they grew increasingly optimistic about substituting the rudiments of a genuinely international legal system for these defects. They viewed the Second Hague Peace Conference as an opportunity to reform the abuses in the arbitration movement. Following Secretary of State Elihu Root's instructions, the United States delegation presented a detailed plan for the transformation of the Hague tribunal into a court of fifteen judges selected from several nations. Although the American delegates quickly surmised that their proposal was too radical for adoption, the conference unanimously approved a modified plan calling for the

[10] James Brown Scott, "International Law Is Law," *LMC, 1904*, p. 134; George Gray, discussion, ibid., p. 25; Hill, *World Organization*, pp. 120–121. Also see Sondra R. Herman, *Eleven Against War: Studies in American Internationalist Thought, 1898–1921* (Stanford, Calif., 1969), pp. 40–41.

[11] George W. Kirchwey, "The International Court a Wonderful Achievement," *LMC, 1910*, p. 95; James Brown Scott, "Progress toward an International Court of Arbitral Justice," ibid., pp. 67–69; Hill, *World Organization*, pp. 138–139; Elihu Root, "Address . . .," *ASIL, 1908*, pp. 14–20.

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establishment of an entirely new institution, a court of arbitral justice. But the great powers insisted upon numerical dominance of judges from their own nations, while the lesser states demanded equal representation. In consequence, the mood of national suspicion was so pervasive that no proposal had a chance for unanimous acceptance.[12]

Despite this failure advocates of the arbitral court argued that the participating nations' unanimous endorsement of the draft convention facilitated the task of diplomatic negotiations leading to creation of the world judicial body once these governments devised an acceptable formula for the selection of judges.[13] They also pointed to the establishment of the Central American Court of Arbitral Justice in December 1907, which used the draft convention of the court of arbitral justice as a prototype world tribunal. Although the United States did not join the Central American Court, it sponsored the founding of the institution and gave it moral support until the Wilson administration helped engineer its collapse a decade later.[14]

Proponents of a juristic world order especially welcomed the convention approved by the Second Hague Peace Conference providing for the establishment of an international prize court composed of fifteen eminent judges. The eight major maritime powers would each appoint one judge, and the remaining seven judges, chosen from the other signatories, would serve on a rotating basis. Both the second Roosevelt and the Taft administration attempted to implement the international prize court as an opening wedge for the creation of a court of arbitral justice. The initiative of Taft's secretary of state, Philander C. Knox, culminated in delegates from the United States, Great Britain, France, and Germany negotiating a protocol in 1910, which with minor changes accepted the American proposal of using the prize court as the basis for a court of arbitral justice.[15]

[12] James Brown Scott (ed.), *Instructions to the American Delegates to the Hague Peace Conference and Their Official Reports* (New York, 1916), pp. 79–80; James Brown Scott, *The Hague Peace Conferences of 1899 and 1907*, 2 vols. (Baltimore, 1909), I, p. 459; Thomas Raeburn White, "Underlying Principles Which Should Govern the Method of Appointing Judges of the International Court of Arbitral Justice," *LMC, 1911*, pp. 102–107.

[13] Robert Bacon to Root, July 21, 1908, and Scott to Root, July 22, 1908, Elihu Root Papers, Manuscript Division, Library of Congress, Box 54; *Documents Diplomatiques Français (1871–1914)*, second series, 12 vols, 1901–1911 (Paris, 1950), XI, pp. 226–227; James Brown Scott, "The Work of the Second Hague Peace Conference," *American Journal of International Law*, II (January 1908), 27. (Hereafter cited as *AJIL*, with the appropriate volume and date.)

[14] James Brown Scott, "The Central American Peace Conference of 1907," *AJIL*, II (January 1908), 140–143; John W. Foster, "Opening Address. . . ," *LMC, 1908*, pp. 12–13; Simeon E. Baldwin, "The Proposed International Court of Arbitral Justice," *LMC, 1910*, pp. 81, 84–85; Hill, *World Organization*, pp. 162–163. Also see Robert Ewing Hosack, "The Central American Court of Justice," M. A. thesis, University of Chicago, 1934, pp. 41–46, *passim*.

[15] *Papers Relating to the Foreign Relations of the United States, with the Annual Message of the President Transmitted to Congress, December 3, 1907* (2 parts, Washington, D. C., 1910), part I, p. lxii. (Hereafter cited as *FR*, with the appropriate year added.) The tedious negotiations can be followed in G. P. Gooch and Harold Temperley (eds.), *British Documents on the Origins of the World War, 1898–1914*, 11 vols. (London, 1926–1938), VIII, pp. 347–349; *FR, 1910*, pp. 597–613; James Brown Scott, *The Status of the International Court of Justice, with an*

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There were of course many theoretical conditions attached to the implementation of this protocol. It required the large naval powers' ratifications of the Declaration of London (1909), which attempted to define the legal principles guiding the prize court, formal implementation of the prize court, and agreement of at least eighteen nations to extend its jurisdiction beyond maritime issues. Nevertheless, the legalists became increasingly optimistic. Their confidence stemmed from the expansion of their influence in the State Department, the establishment of arbitral tribunals whose members more closely approximated legalists' preference for extranational arbiters with judicial experience over politicians or diplomats appointed from the disputants, and Knox's and State Department solicitor James Brown Scott's reports of progress toward a permanent court of justice to peace and arbitration meetings.[16]

President Taft directly encouraged the legalists. His proposed arbitration treaties with Britain and France excluded the usual reservations of vital interests, independence, and honor which had previously qualified the abstract principle of impartial justice between nations. In fact, in his willingness to include all "justiciable" questions (to be decided by commissions of inquiry of the disputants) in the treaties, Taft attempted to link the arbitration principle more closely to international law. He especially thought that his treaties represented a transitional step from the principle of international arbitration to the realm of international law and during his fight for the treaties emphasized that their ratification would arouse interest in the arbitral court.[17]

But the judicialists' hopes suffered a series of setbacks. First, the House of Lords in Great Britain rejected the Declaration of London in December 1911. Since ratification of the declaration was a precondition to any viable prize court, the British action seriously dampened the hopes for both a prize court and an arbitral court. The legalists received another defeat a few months later when the Senate so severely emasculated Taft's arbitration treaties that the president

Appendix of Addresses and Official Documents (New York, 1916), pp. 41–47; and Scott to Knox, telegram, March 21–22, 1910, 12655/423-25, Scott to Knox, July 29, 1910, 500.A2/A2b, Memorandum, September 2, 1910, 500.A2a/701, David Jayne Hill to Knox, September 14, 1910, 500.A2a/617, and Scott to Knox, telegram, September 20, 1910, 500.A2a/522, U.S. Department of State Papers, RG 59, National Archives. Texts of the agreements appear in Scott, *An International Court of Justice* (New York, 1916), pp. 91–97.

[16] Elihu Root, in *ASIL, 1909*, pp. 14–15, Scott's speeches, "The Second Hague Peace Conference," *LMC, 1908*, p. 22; "The Proposed International Court of Arbitral Justice," *LMC, 1909*, pp. 54–57; and "Progress Toward an International Court of Arbitral Justice," *LMC, 1910*, p. 75; Nicholas Murray Butler, "Opening Address. . . ," *LMC, 1911*, p. 30; and resolution, in ibid., p. 15.

[17] Taft's address, *Proceedings of International Conference, Under the Auspices of American Society for Judicial Settlement of International Disputes, December 15–17, 1910, Washington, D. C.* (Baltimore, 1911?), pp. 352–353. (Hereafter cited as *ASJSID*, with the appropriate year added.) Taft's address in Hartford, Conn., September 7, 1911, quoted in "President Taft's Pleas for the Treaties," *Advocate of Peace*, LXXIII (December 1911), 276; and his letter quoted in *ASJSID, 1912*, pp. ix–x.

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pigeonholed them.[18] Taft and Knox, perhaps hoping for one last success after a series of failures in foreign policy, attempted to persuade the British, German, and French governments (and eventually their allies and the Netherlands) to establish a court of arbitral justice without awaiting the institution of the prize court. Given the extremely tense diplomatic climate in Europe, however, the proposal was myopic, and Taft reluctantly abandoned it.[19]

Legalists then looked to the proposed third peace conference at The Hague as their best hope for instituting the court. The American preparatory committee explored the feasibility of establishing an international court at the third conference and suggested several alternative plans for the apportionment of its judges. When the United States seemed willing to cater to the European powers which hinted at postponing the conference, Elihu Root, acting on behalf of the trustees of the Carnegie Endowment for International Peace, finally managed to prod the Wilson administration into assuming the diplomatic initiative for the early convocation of the international preparatory committee at The Hague. Although the European responses were at best lukewarm, prospects for a third Hague conference appeared fairly bright until the world war intervened.[20]

World War I and the Eclipse of International Law

The outbreak of World War I threatened to discredit international law altogether. Belligerents freely violated the Hague Conventions and generally treated international laws as scraps of paper. As infringements of international law continued, the lawyers became increasingly sensitive to the eclipse of their past efforts in the field. "It is disheartening to note the talk," Simeon Baldwin complained, "not only of the street, but of the bar and too many of the scholars, about the disappearance of International Law as a rule of conduct."[21] The demoralization of the profession became so pronounced that the executive council of the American Society of International Law approved a statement asserting

[18] *The New York Times*, December 13, 1911; Henry F. Pringle, *The Life and Times of William Howard Taft*, 2 vols. (New York, 1939), II, pp. 753–755.

[19] For these maneuvers, see Taft to Scott, December 12, 1912, 500.A2a/699a; and Scott to Bacon, November 29, 1912, Knox to Scott, December 13, 1912, Knox to American Embassy, Paris (marked "not sent"), November 25, 1912, Scott to Chandler P. Anderson, December 12, 1912, and Knox to Anderson, December 14, 1912, James Brown Scott Papers, Georgetown University Library. Even then Scott and Theodore Marburg, Taft's lame-duck appointment as minister to Belgium, continued to hope for successful implementation of this scheme. Marburg to Knox, January 7, 1913, and Knox to Marburg, February 5, 1913, 500.A2a/700; and Scott, *International Court of Justice*, pp. 1–5, 25–90.

[20] *Washington Post*, December 11, 1912; J. Reuben Clark (chairman of the American preparatory committee) to John Bassett Moore (with attached memoranda of 137 pages plus addenda), September 18, 1913, 500.A3/28; Root to Bryan, December 10, 1913, 500.A3/36. For the entire background, see David S. Patterson, "The Travail of the American Peace Movement, 1887–1914," Ph.D. diss., University of California, Berkeley, 1968, pp. 333–336.

[21] Baldwin to Moore, June 16, 1919, Baldwin Family Papers, Yale University Library, Box 117.

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that "the very existence of international law is at issue." Even Elihu Root admitted that the belligerents had smashed international law to its foundations. "God knows what the law is!" he lamented at the end of the war. "None of us know [*sic*]."[22]

But a lifetime of experience in the study and practice of international law made the lawyers emotionally unwilling to discard their beliefs. They quickly developed explanations for their predicament. They insisted that the repudiation of international law was temporary and had occurred so easily because nations had not had sufficient time to develop clear-cut definitions of nations' rights and responsibilities in the world community. Moreover, they agreed that international law could still be upheld if the violators were punished. Nearly all legalists easily singled out Germany as the principal outlaw; and when the United States entered the war, the American Society of International Law proclaimed that the conflict was "essentially one for the vindication of law."[23]

Of all the American legalists Elihu Root reflected most fully during the war on the postwar arrangements for preserving the peace. In many respects he emerged as a full-fledged internationalist. The war convinced him that a breach in the peace was not an isolated matter but concerned all nation-states. He believed that nations should develop rules of moral responsibility for international conduct similar to those already adopted in municipal law for individual conduct, and violations of international law should be treated both in theory and in practice as crimes (rather than torts) affecting all nations. Fully accepting the interdependence of nations' rights and obligations, he favored the creation of a world court and some kind of international council which would convene automatically during international crises. The object of these institutions was to prevent the outbreak of war before discussion of the controversy. While the international council would discuss political disputes, the world court would assume jurisdiction over justiciable questions.[24]

Root corresponded during the war with Lord James Bryce who headed a British internationalist organization. In 1915 the Bryce group thrashed out an article defining justiciable questions as "disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the nature and extent of the reparation to be made for any such breach." Root accepted this definition as a great improvement over descriptions of the word in earlier arbitral accords and even went one step further in favoring obligatory jurisdiction for the court in such cases.[25]

[22] *ASIL, 1918*, p. 14; Elihu Root, in *ASIL, 1920*, p. 21. Also see George Grafton Wilson, in *ASIL, 1916*, p. 104; and Moore to Baldwin, June 9, 1919, Baldwin Family Papers, Box 117.

[23] See *ASIL, 1916*, pp. 5, 17, 18–50, 92–97; and *ASIL, 1917*, p. 25.

[24] Root to Edward M. House, August 16, 1918, Root Papers, Box 136; Chandler P. Anderson Diary, December 12, 1918, Library of Congress (microfilm), Reel 2.

[25] Philip Jessup, *Elihu Root*, 2 vols. (New York, 1938), II, pp. 315–319, quotes from the Root-Bryce correspondence; also see Bryce's three letters to Root, December 15, 1914, Root

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But Root advocated firm guidelines to circumscribe the jurisdiction of the proposed world court and even more opposed compulsory enforcement of the court's and council's decisions. Always worried about the potential abuses of consolidated power, he also believed that the American people should not agree to commit their forces to conflicts in which the United States had only remote interests. Perhaps, he reasoned, the United States might eventually obligate itself to fight upon the occurrence of some specific event (such as a German reinvasion of French territory), but for the immediate future he opposed automatic sanctions and preferred to allow the moral sense of each nation to decide upon the question of war after the failure of all peaceful methods.[26]

Root's arguments influenced many moderate internationalists who wanted the United States to participate in modest international agreements,[27] but neither he nor his followers had any direct influence on the formulation of the Wilson administration's internationalist program. Part of the legalists' failure stemmed from their unwillingness to cultivate public opinion. Fearful of the masses, they were content to work quietly but patiently for their goals. The legalists' influence in governmental circles also declined because of the growing influence of a new and bolder internationalist organization, the League to Enforce Peace. A minority of the prewar legalists, led by Taft and Theodore Marburg, cooperated with other internationalists in founding the new group in 1915. In reflecting on the totality of the European war, these internationalists concluded that some form of positive sanctions was necessary to restrain nations from embarking on reckless military adventures. The League to Enforce Peace agreed with many planks of the judicialists' program: a world court to decide justiciable questions, periodic conferences to develop and codify international law, and a council of conciliation for nonjusticiable disputes. But the new group not only compelled member states to bring their disputes to the league before going to war but also required each League member to pledge its entire power against any signatory state refusing to submit the question to the proper agency. Although the use of force was limited to member nations refusing a hearing of the dispute, the league's advocacy of collective security nonetheless constituted a big step beyond the legalists' position.[28]

Papers, Box 118; April 12, 1918, ibid., Box 136; June 6, 1919, ibid., Box 137; and Martin David Dubin, "Toward the Concept of Collective Security: The Bryce 'Proposals for the Avoidance of War,' 1914–1917," *International Organization*, XXIV (Spring 1970), 288–318 (see especially p. 292). The first of Root's six amendments to the League of Nations Covenant quoted Bryce's definition of disputes of a justiciable character verbatim, and Root acknowledged his indebtedness to the British group. *ASIL, 1919*, pp. 50n, 52.

[26] Root, Remarks Concerning an International Court, Executive Committee of the Carnegie Endowment for International Peace, November 11, 1918, Scott Papers; Anderson Diary, November 18, December 12, 1918, Reel 2.

[27] For Root's intellectual leadership of the American Society of International Law, see *ASIL, 1918*, pp. 15–21; and *ASIL, 1919*, pp. 45–64.

[28] Warren F. Kuehl, *Seeking World Order: The United States and International Organization to 1920* (Nashville, Tenn., 1969), pp. 181–192.

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At first some moderate internationalists wanted to believe that the programs of the legalists and collective security advocates were not incompatible. The similar upper-class social standing of the legalists and enforcers, their common support of the war effort, international institutions, and regular conferences to codify international law, and their awareness of the political liabilities of open disunity in their ranks all served to stimulate efforts to reconcile their differences. The World's Court League, a new, loosely organized, and rather ineffective group, prohibited direct attacks on the sanctions article of the League to Enforce Peace and for a time even hoped to merge with the latter body.

But the leaders of the two groups could not bridge their differences over sanctions, and those who had strong views on the subject refused to remain silent. Between 1915 and 1918 conservative legalists were in the forefront of critics of the program of the League to Enforce Peace. Their criticisms were often astute and collectively influenced many thoughtful Americans who were attempting to wrestle with the fundamental question of America's future involvement in a postwar international organization. But they also highlighted the legalists' marked resistance to approval of their nation's participation in any far-reaching attempts to make the world over.[29]

The League to Enforce Peace also contributed to the friction between the two bodies. In order to maintain its distinct identity from the World's Court League and other peace and internationalist groups, the leadership of the league asked its supporters to withdraw from such other organizations. Moreover, Theodore Marburg criticized the limited usefulness of the legalists' program for war prevention. He argued, correctly, that the judicialists' emphasis on international law as the prerequisite for a peaceful world order was too idealistic. International law advanced, if at all, at a snail's pace, and many people were unwilling to wait for its distant triumph. He further pointed out that wars rarely developed over justiciable disputes so that their focus on a world court really contributed little to the advancement of the cause of world peace. And when Scott continued to attack the League to Enforce Peace, Marburg protested to President Wilson about his harmful influence on the movement for world organization.[30]

[29] Ibid., pp. 209–213, 248. Some of the more penetrating criticisms of the League to Enforce Peace can be found in Charles H. Levermore to Fannie Fern Andrews, February 3, 1917, Fannie Fern Andrews Papers, The Arthur and Elizabeth Schlesinger Library on the History of Women in America, Radcliffe College; James L. Tryon, "International Police," *LMC, 1916*, pp. 108–122; Dutton to Butler, January 16, 1917, Nicholas Murray Butler Papers, Butler Library, Columbia University, Dutton File; *The New York Times*, June 18, 1915, December 27, 1916; George W. Kirchwey, "How America May Contribute to the Permanent Peace of the World," *Annals of the American Academy of Political and Social Science*, LXI (September 1915), 97–98; Richard Megargee, "The Diplomacy of John Bassett Moore: Realism in American Foreign Policy," Ph.D. diss., Northwestern University, 1963, pp. 285–298; James Brown Scott, "International Organization: Executive and Administrative," *ASIL, 1917*, pp. 101–107. Lansing to Wilson, May 25, 1916, Woodrow Wilson Papers, Library of Congress (microfilm), Reel 70; Robert Lansing Diary, December 3, 1916, September 30, October 27, November 12, 18, December 19, 1918, Library of Congress (microfilm).

[30] *The New York Times*, December 17, 1916; Marburg to Wilson, May 22, 1917, Wilson Papers, Reel 360.

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But the greatest reason for the judicialists' declining influence was their inability to convert the president to their viewpoint. Woodrow Wilson displayed a curious lack of enthusiasm for the American promoters of international organization. Although he endorsed the general principles of the League to Enforce Peace in a 1916 speech and later incorporated some of its features into his drafts of the Covenant, he strongly opposed the group's intention to cooperate with official Allied study groups on the problem of world organization and failed to appoint a committee of leading American citizens devoted specifically to that subject. He also ignored the League to Enforce Peace's distinction between justiciable and nonjusticiable disputes and its provisions for regular international conferences to codify international law and for a permanent judicial body. Moreover, he refused to give an explicit endorsement to any internationalist group, even telling Taft in early 1918 that he regretted any encouragement he might have earlier given to the League to Enforce Peace.[31] He privately referred to its spokesmen as "butters-in" and "woolgatherers," spoke disparagingly of two of its leaders, Marburg and A. Lawrence Lowell, and singled out the judicially oriented Nicholas Murray Butler for special censure. "What he has to say about him," Colonel House noted in his diary, "I will not repeat, for I am sure he does him an injustice."[32]

Wilson displayed a particular aversion to the internationalists' dream of a world court. When the president and Colonel House first began serious discussions on the Covenant of the League of Nations, House argued strongly for the inclusion of an international court of justice and provided for such a court in his draft of the Covenant. But while Wilson borrowed freely from House's draft in drawing up his own, he bluntly rejected his aide's court proposal. Wilson's initial draft as well as his first two Paris drafts of the Covenant made no mention of a world court. Similarly, when Wilson appointed the peace commission to advise him in Paris, he included only Robert Lansing from among the legalists, and Lansing was appointed only because of his official position as Secretary of State. House suggested the names of Root and Taft as valuable additions to the commission, but Wilson spurned the suggestions. He convinced himself that because Root was getting old (the venerable Republican was seventy-three in

[31] A. Lawrence Lowell to Taft, September 7, 1917, William Howard Taft Papers, Library of Congress (microfilm), Reel 183; Taft to Helen H. Taft, March 29, 1918, ibid., Reel 27; Lowell to Taft, March 30, 1918, enclosing Memorandum of Conference with President Wilson, March 28, 1918, ibid., Reel 192; Wilson to Lowell, July 11, 1918, Wilson Papers, Reel 373; Charles Seymour, *The Intimate Papers of Colonel House, Arranged as a Narrative*, 4 vols. (Boston and New York, 1926–1928), IV, pp. 4–6; Ray Stannard Baker, *Woodrow Wilson: Life and Letters*, 8 vols. (New York, 1927–1939), VII, pp. 53, 203; VIII, p. 17; David Hunter Miller, *My Diary at the Conference of Paris, with Documents*, 21 vols. (privately printed, 1924), I, p. 48n. On several occasions Wilson ignored suggestions for inserting a provision into the Covenant calling for periodic conferences on international law.

[32] Edward M. House Diary, January 13, 17, June 1, 1918, Edward M. House Papers, Yale University Library; Wilson to House, March 22, 1918, ibid.

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1918), his mind was narrowing. In fact, beyond soliciting House's advice, he rarely sought out the counsel of others in formulating his drafts of the Covenant.[33]

There are several explanations for Wilson's anticourt attitude. Most important, the reaction against the primacy of international law and the Hague system was widespread in the Allied nations by the end of the war. In consequence, there was a definite hostility toward the prewar legalist movement and a pervasive desire to make a fresh start.[34] For all his support of a judicial body even House, realizing his mentor's aversion to a court, failed to press European leaders on the matter. Thus it was possible for Wilson to believe that demands for a world court were resistible and that his own thoughts on the erection of more authoritative international institutions were in the mainstream of internationalist thought. These internationalists viewed man as a political animal and conceived of the problem of world order as the province of political leaders rather than jurists removed from the practical exigencies of everyday diplomacy. When David Jayne Hill lamented that the League of Nations was "the work of politicians . . . whose aim is not justice but power," he unfairly impugned the high-minded motives of the framers of the League of Nations Covenant, but he accurately depicted the gulf separating the most confirmed legalists and political internationalists.[35]

Because the direction of internationalist sentiment clearly favored a more inclusive conception of a society of nations, Wilson could easily defend his de-emphasis of a court. But his opposition to a court, while mainly a matter of priorities, was reinforced by his deep-seated prejudices. Part of his resistance to a court was political. Many of the foremost advocates of a court were conservative Republicans and had been intimately connected with previous Republican administrations, and Wilson instinctively allowed his partisan inclinations to discredit in his mind the pet project of his political opponents. This political cleavage mirrored profound ideological differences on both domestic and international reform. Recognition of this ideological divergence conceivably could have prompted President Wilson to attempt to appease his political opponents by consulting them frequently on the Versailles treaty, championing a world court as a high priority, and conceding other portions of the legalists' program. Such was House's aim from the early preparations for the peace settlement.

But personal and temperamental considerations caused Wilson to brush aside his aide's strategy of accommodation. Wilson reacted particularly negatively toward strong-minded people like himself. Comfortable among friends and sub-

[33] House Diary, July 15, August 15, 1918; Seymour, *Intimate Papers*, IV, pp. 30–33; Miller, *Drafting of the Covenant*, II, pp. 12–15, 65–93, 98–105.

[34] For instance, cf. Miller, *Drafting of the Covenant*, I, pp. 3–10; II, pp. 4, 56–58, 62; and Lord Phillimore, *Schemes for Maintaining General Peace* (London, 1920), pp. 49–67.

[35] Philip Baker, "The Making of the Covenant from the British Point of View," in P. Munch (ed.), *Les Origines et L'Oeuvre de la Société des Nations*, 2 vols. (Copenhagen, 1923–1924), II, pp. 20–32, 48–49; Miller, *My Diary*, V, pp. 365–368; House Diary, February 13, 1919; Hill to Thomas F. Millard, July 16, 1919, Robert Lansing Papers, Library of Congress, Vol. 44.

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ordinates who did not question his leadership, he devalued individuals who might oppose his ideas. Wilson's penchant for independent leadership increased following his reelection in 1916; the enormous responsibilities thrust upon him as commander-in-chief during the period of American belligerency necessarily enlarged presidential authority even more and inflated his self-importance as the world's peacemaker. It may be that Wilson's low opinions of other internationalists stemmed as much from his vindictive streak as from political partisanship. He bluntly told Lowell that he "deprecated the formation of plans by people whose opinions would carry weight with the public," and even House admitted Wilson's "strong prejudices" against internationalists who did not share his predelictions on the question of world organization.[36]

Most legalists reciprocated in kind. They distrusted Wilson's aggressive leadership, questioned his motives, and easily rationalized that his desire for personal glory in the writing of the Covenant badly warped his judgment. Lansing complained in his diary that the egotistical president was such "a wonderful hater" that he could not think clearly about the many problems at the Paris Peace Conference, and Root speculated among friends that Wilson was more interested in an international executive than an international court "because undoubtedly he would figure that he himself would be the universal choice for president of the world."[37]

The president's negative attitude toward law and the legal profession also underlay his reservations about a court. To be sure, Wilson had defended American neutral rights under existing international law during the period of neutrality, had frequently mentioned the importance of the ideal of justice in international affairs, and favored a postwar conference to devise new international laws taking into account the submarine and other military innovations. In addition, his preamble to the Covenant recognized "the understandings of international law as the actual rule of conduct among governments," his first drafts mentioned the submission of disputes to "judicial decision," and he was willing to concede that "the existence of and the services rendered by the Permanent Court of Arbitration at The Hague" should receive consideration in creating a world court. Once the commission had drafted the Covenant embodying many of his cherished principles, he even agreed to appoint Elihu Root as the American representative on the Advisory Committee of Jurists, which drafted the Statute of the Permanent Court of International Justice.[38]

[36] Lowell, Memorandum of Conference with President Wilson, March 28, 1918, Taft Papers, Reel 192; House Diary, January 13, 1918. On Wilson's tendency toward temperamental rigidity and his predisposition for relying on the force of his oratory and personality for manipulating opinion elites and the public behind his own programs, see Anderson Diary, August 21, 1915, Reel 1; and House Diary, January 29, April 1, July 15, August 15, 1918.

[37] Lansing Diary, March 28, 1919; Anderson Diary, November 18, 1918, Reel 2.

[38] Baker, "Making of the Covenant," II, p. 49; H. M. V. Temperley (ed.), *A History of the Paris Peace Conference*, 6 vols. (London, 1920–1924), VI, pp. 487–488; W. B. Fowler, *British-American Relations, 1917–1918: The Role of Sir William Wiseman* (Princeton, N. J., 1969), p. 220; Miller, *Drafting of the Covenant*, I, p. 175, II, pp. 12, 14, 65, 75, 98, 100, 102. Root's consid-

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Unlike the international lawyers, however, Wilson viewed the law less as a series of positive decisions, rules, and precedents than as a loose system of moral principles, the application of which should be left to diplomacy. It was not only Root's conservatism or old age but also his "lawyer's mind" which predisposed Wilson to believe that he had the "wrong idea" on international institutions. Moreover, Wilson frankly admitted his antilegal prejudices at the Paris Peace Conference. When he discovered that James Brown Scott and David Hunter Miller, legal experts on the American peace commission, were preparing a draft treaty, he exclaimed to Lansing: "Who authorized them to do this? I don't want lawyers drafting this treaty."[39]

Wilson's own unpleasant experiences with the legal profession contributed to his extraordinary prejudice against lawyers. As much an intuitive as a rational thinker, he had abandoned law as a career during early manhood because it had involved too much precise logic for his speculative mind. He had also found that the importance lawyers attached to obtaining fees from prospective clients was rather distasteful to his high-minded principles. Thereafter Wilson seems to have convinced himself that their emphasis on rational inquiry and precedent made them rather narrow and conservative in outlook.[40]

In the end article 14 of the Covenant stated that the Council of the League of Nations should provide for the establishment of a Permanent Court of International Justice. It was mainly the persistent efforts of the British commissioner, Lord Robert Cecil, which resulted in this article. Although Cecil fully shared Wilson's emphasis on the creation of an authoritative League of Nations, he also saw merit in a world court. Accordingly, he provided for a permanent court in his third draft of the Covenant. "Only if a true Permanent Court is established," he argued, "will recourse to international law under the League become the normal procedure of disputes. A permanent Court is the necessary basis of all legal development in international relations." When David Hunter Miller and Cecil Hurst, legal adviser to the British Foreign Office, were authorized to harmonize the president's second Paris draft and Lord Cecil's draft, the resulting document preserved Cecil's court plan. But Wilson once again demonstrated his

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erable achievements in the Advisory Committee of Jurists, including his role in working out an acceptable formula for the selection of the judges, is beyond the scope of this study. For details consult 500.C114/1-70, RG 59, National Archives; *Procés-Verbaux of the Proceedings of the Committee, June 16th-July 24th, 1920, with Annexes* (The Hague, 1920); Jessup, *Elihu Root*, II, pp. 418–423; and George Harry Curtis, "American Participation in the Advisory Committee of Jurists: The United States and the Founding of the World Court, 1919–1920," M.A. thesis, The American University, 1964.

[39] House Diary, August 15, 1918, January 8, 1919; Lansing Diary, January 11, 1919.

[40] Baker, *Woodrow Wilson*, I, pp. 109, 116, 152–158, 168–173; Arthur S. Link (ed.), *The Papers of Woodrow Wilson*, 19 vols. to date (Princeton, N. J., 1966–), I, pp. 144–145. Regarding the work of the Inquiry, House noted of Wilson: "He has not the kind of mind that can use such detailed data as they are preparing but he thinks it will be necessary to have it because there will be times when he will have to be given certain facts." House Diary, August 17, 1918. Lansing Diary, March 20, 1919.

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antilegalism when he expressed his dissatisfaction with the Hurst-Miller draft and drew up a third Paris draft which also omitted a court.[41] When Cecil heard of the president's intentions, he feared that Wilson wished to dictate his ideas to the conference. Fortunately for advocates of a world court, he and House finally persuaded Wilson to abandon his draft and to accept the Hurst-Miller draft as the basis for discussions in the League of Nations Commission.[42]

Once the Permanent Court of International Justice became the basis for serious discussions, the president acquiesced in article 14 providing for its establishment as well as the second paragraph of article 13 which reproduced verbatim the Bryce Committee's definition of justiciable disputes. Even this article contained a concession to Wilson's antilegalism, however, because it used only the word "arbitration" when the words "judicial settlement" or "judicial decision" would have more accurately expressed the intentions of its framers. The result was a certain ambiguity in the Covenant which only the Statute of the World Court and later amendments by the League Assembly resolved.[43]

Conclusion

The study of the world court movement to 1920 suggests that students of diplomatic history should talk with caution about the moral-legal tradition in American foreign relations. As applied to American internationalists, the hyphen between the two words should indicate not only a complementary relationship but a tension as well. The legalists strongly distrusted the Wilsonian formula of collective moral commitments to preserve the peace. Both the legalists and moralists agreed on the need for international organization but disagreed fundamentally on the kind and functions of international institutions.

The legalists' thought on international organization was remarkably consistent throughout these pre-1920 years. In the two decades before 1914 they envisioned the gradual growth of jural consciousness throughout the Western world leading ultimately to the establishment of a permanent international judiciary. Although World War I threatened to undermine their cautious approach to international organization, most remained faithful to their past program. Despite some shifts in emphasis and the acceptance of modest proposals for additional international institutions, almost all legalists could not accept collective security schemes during the war years and preferred their uncomfortable isolation to grudging acceptance of Wilsonian internationalism. What is perhaps most notable is that the Permanent Court of International Justice ultimately became a reality in spite of their limited influence on Woodrow Wilson. That the institution was established in the face of Wilson's resistance suggests the per-

[41] Miller, *Drafting of the Covenant*, I, pp. 62–64, 69, 72–73; II, pp. 145–154.

[42] Robert Cecil, *A Great Experiment: An Autobiography* (London, 1941), p. 69; House Diary, February 3, 1919.

[43] Baker, "Making of the Covenant," II, pp. 48–52; Miller, *Drafting of the Covenant*, I, pp. 327–330.

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vasive influence of the movement for a world court before 1914 and its survival during the war years.

The impetus for a world court came from lawyers who wanted the United States to lead in the quest for pacific alternatives to international violence but were reluctant to have their nation join in boldly innovative schemes of world order involving potentially far-reaching limitations on national sovereignty. The consistency of the legalists' internationalist thought derived from their conservative political philosophy, especially their pessimism concerning the ability of men and nations suddenly to devise new institutional arrangements for the prevention of war. The relative popularity of a world court in the United States before 1914 and after 1920 indicates the underlying moderation of American internationalist thought. Not surprisingly, the movement for American adherence to a world court fit in most congenially with the limited internationalism of Republican administrations in both periods. One cannot fully comprehend the debate in the United States over the League of Nations without an understanding of this conservative element in American internationalist thought before that decade.[44]

[44] For discussion of the world court issue in the United States in the 1920s, see Denna Frank Fleming, *The United States and the World Court* (New York, 1945); Robert Domenic Accinelli, "The United States and the World Court, 1920–1927," Ph.D. diss., University of California, Berkeley, 1968; and Charles Louis DeBenedetti, "American Internationalism in the 1920's: Shotwell and the Outlawrists," Ph.D. diss., University of Illinois, 1968.

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Why Few Women Hold Public Office: Democracy and Sexual Roles

MARCIA MANNING LEE

The 1974 general elections showed a marked increase in the number of women running for and elected to public office. Despite these gains, however, one should not lose sight of the fact that relatively few women hold elected public office at any level of government in America today.[1] Whether a trend toward increased participation of women in elected public office is underway still remains to be seen. Ultimately it will depend on whether the factors that prohibited or inhibited women from participating in the past will continue to diminish in importance in the future. Serious attention should be given, therefore, to identifying these factors and to assessing their impact on women's political participation in the years to come.

This article presents the results of a survey conducted among men and women participating in local politics in four suburbs of Westchester County, New York. The regrettable but straightforward conclusion of this study is that the percentage of women holding public office is unlikely to increase by a substantial amount in the future unless radical changes occur in current sexual role assignments. The findings show that the nature of sexual role assignments and role expectations in America (especially those related to child care) are such that they deny to most American women equality of opportunity to compete against men for elected public office and elite positions of power in our governmental system.

[1] Currently, there are no women United States senators, only fifteen representatives, and one woman governor. Among the 18,500 American towns and cities, only 30 are led by women mayors, while a mere 6 percent of the state legislators are women.

MARCIA MANNING LEE is assistant professor of political science at Rutgers University, Newark, N. J.

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These conclusions, if they are correct, have implications far greater than the participation of women in elected public office. They bring into question the feasibility of our democratic system; if there is built into the American social system a sexual role assignment (i.e., child care) which prevents a majority of American citizens from enjoying an equal opportunity to participate in the governmental decision-making process, is democracy really workable? The findings discussed on the following pages indicate that the answer must be "no." Such a conclusion, however, admittedly depends on one's definition of democracy and will be discussed later in the article.

Previous Research

Given the contradiction between popular democratic theory and the paucity of women holding elected public office, it is surprising that so little empirical or theoretical research has been conducted in this field. Maurice Duverger's study of women's leadership roles in France, West Germany, Norway, and Yugoslavia, and a few other articles are, for the most part, the extent of research concerned with exploring why so few women hold elected public office.[2]

There are, however, a considerable number of studies based on mass samples comparing female and male voting behavior, their political socialization processes, and their attitudes toward politics.[3]

Angus Campbell and associates reported in *The American Voter* that women displayed a lower sense of political involvement and a lower sense of political

[2] Maurice Duverger, *The Political Role of Women*, UNESCO (Paris, 1955). In addition, articles by the following authors are pertinent: M. Kent Jennings and Norman Thomas, "Men and Women in Party Elites: Social Roles and Political Resources," *The Midwest Journal of Political Science*, XII, no. 4 (November 1968), 469–493; Charles S. Bullock, III, and Patricia Lee Lindley Heys, "Recruitment of Women for Congress: A Research Note," *The Western Political Quarterly*, XXV, no. 3 (September 1972), 416–423; and Edmond Constantine and Kenneth H. Craik, "Women as Politicians: The Social Background, Personality, and Political Careers of Female Party Leaders," *Journal of Social Issues*, 28, no. 2 (1972).

[3] Among the most notable are, in chronological order: Harold F. Gosnell, *Democracy: The Threshold of Freedom* (New York, 1948), chap. 4; Paul F. Lazarsfeld et al., *The Peoples Choice*, 2d ed. (New York, 1948), chap. 3; Louise M. Young, "The Political Role of Women in the United States," a paper presented to the Hague Congress of the International Political Science Association, September 8–12, 1952; James G. March, "Husband-Wife Interaction Over Political Issues," *The Public Opinion Quarterly*, XVIII (1953–1954), 461–470; Talcott Parsons and Robert Bales, *Family Socialization, and Interaction Process* (New York, 1955), chaps. 2 and 5; Louis Harris, *Is There a Republican Majority?: Political Trends 1952–1956*, (New York 1954), pp. 104–117; Duverger, *The Political Role of Women;* Robert E. Lane, *Political Life* (New York, 1959), pp. 209–216; Herbert Hyman, *Political Socialization* (New York, 1959), chaps. 2, 3, and 4; Fred Greenstein, "Sex Related Political Differences in Childhood," *Journal of Politics*, 23 (May 1961), 353–371; Angus Campbell, Philip E. Converse, Warren E. Miller, and Donald E. Stokes, *The American Voter* (New York, 1964), pp. 255–261; Martin Gruberg, *Women in American Politics*, (Oshkosh, Wisc., 1968); Jennings and Thomas, "Men and Women in Party Elites"; Jane S. Jaquette (ed.), *Women in Politics* (New York, 1974).

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efficacy,[4] and were less sophisticated with respect to political conceptualization than men.[5]

Almond and Verba found in their cross-cultural study of five countries that women tended to be more apathetic, emotional, and sensitive to personality than were men.[6]

Other studies show that women tend to be more responsive to issues with moral overtones,[7] are more provincial in the sense of focusing on local issues,[8] tend to personalize politics more,[9] are more receptive to familial influence,[10] and evidence a lower tolerance of conflict and deviation.[11]

In the last few years there also have appeared a number of interesting books about women who currently are holding elected public office. For the most part, these books explore the problems such women face in this predominately male world, and describe the characteristics of women who have attained such offices.[12]

The fact remains, however, that the truly noteworthy phenomenon about women and politics is that so few are holding elected public office, despite more than fifty years of full citizenship. Therefore, after briefly describing the methodology used in this study, the article will be devoted to answering the following three questions: What factors currently restrict women from enjoying an equal opportunity to compete with men for elected public office? What is the likelihood that these factors will continue to restrict women's participation in the future? What implications do these findings have in terms of the feasibility and validity of democratic theory? While more space is devoted to answering the first question, the second and third questions are considered equally, if not more, important.

[4] The results of a survey conducted in California by John W. Soule and Wilma E. McGrath note a slight trend toward convergence between the sexes in the degree of political participation for the forms of political activities tested by the Survey Research Center. These activities include voting in presidential elections, voting for the same party, contributing money, attending meetings, registering to vote, working for a candidate, wearing campaign buttons, writing officials, and influencing others. "Comparative Study of Male-Female Political Attitudes at Citizen and Elite Levels," a paper delivered at the 1974 Annual Meeting of the American Political Science Association, Chicago, Illinois, August 29–September 2, 1974.

[5] Campbell, et al., *The American Voter*, pp. 489–492.

[6] Gabriel A. Almond and Sidney Verba, *The Civic Culture* (Boston, 1965), pp. 324–335.

[7] Greenstein, "Sex Related Political Differences in Childhood."

[8] March, "Husband-Wife Interaction Over Political Issues."

[9] Robert Hess and Judith Torney, *The Development of Political Attitudes in Children* (Chicago, 1967), pp. 176–178.

[10] Bernard Berelson et al., *Voting* (Chicago, 1954), p. 103.

[11] Samuel Stouffer, *Communism, Conformity, and Civil Liberties* (New York, 1955), pp. 131–155.

[12] Susan Tolchin and Martin Tolchin, *Clout Women Power and Politics* (New York, 1974); Jean J. Kirkpatrick, *Political Women* (New York, 1974); Kirsten Amundsen, *The Silenced Majority* (Englewood Cliffs, N. J., 1971), chap. 7.

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Methodology

At first, the nature of this study presented a methodological problem with regard to the type of people who should be included in the sample. A mass sample of the electorate was not desired, since most American citizens have only a slight interest in politics and would not run for public office even if the opportunity were offered to them. Instead, the type of sample desired was one consisting of those people who were interested in politics—interested enough to commit time and energy to such activity. These people, it was felt, comprised the pool of citizens from which elected public officials primarily are drawn.

The seven forms of political activity used in the surveys conducted by the Survey Research Center at Michigan seemed the obvious set of criteria to use. It became apparent, however, that these forms of political participation tended to be more ritualistic than indicative of a real involvement in politics. Merely voting in presidential elections, registering to vote, contributing money to campaigns, wearing political buttons, writing to public officials, attending political rallies, and trying to influence others on political issues does not necessarily signify that a person has a true commitment to participate in political activities.

Consequently, a more demanding set of criteria were developed to identify a "political participant." To be considered such in this study one had to fit the following definition:

> A political participant is a person who is a member of an organized group whose primary objective is to elect people to office or to influence the policies of government in the manner it sees fit, or a person who holds public office by election or appointment.

This definition includes party district leaders and elected party leaders, as well as members of such organizations as the League of Women Voters, the NAACP, Common Cause, women's Republican and Democratic clubs, and many other local groups concerned with community political issues.

The list of male and female political participants compiled using this definition was so long, however, that an operational definition had to be constructed. Three qualifications were inserted in the original definition to limit the number of political participants who would receive questionnaires: (1) people involved in "issue" groups temporarily formed over a controversial issue were excluded—only members of "on-going" groups which stayed in existence over a number of years and were concerned with more than one issue were included; (2) only the most active members of these groups, in most cases members of the executive boards, were included; (3) only those groups primarily concerned with local community issues and local government, as opposed to national issues, were considered. The operational definition reads as follows:

> A political particpant is a person who is a *board member* of an on-going, organized group whose primary objective is to elect people to office or to influence

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the policies of *local government* in the manner it feels appropriate, or who holds public office by election or appointment.

In March 1972, 496 questionnaires were sent to all the female and male "political participants" living in four municipalities located immediately north of New York City, in Westchester County. The four municipalities were selected out of eighteen towns and twenty-two villages in the county for their variation in economic characteristics, ethnic and racial composition, population size, and median age of the citizenry.

The annual per family income of the communities ranges from $13,000 in Tuckahoe, the village with the lowest per family income in Westchester, to $42,500 in Scarsdale, the village with the highest per family income. Eastchester with $20,000 and Bronxville with $27,000 fall in between.

The ethnic composition of the suburbs also varies. One has a black population of approximately 20 percent, one a Jewish population of about 40 percent. Two have Italian populations comprising 15 percent of one suburb, and 22 percent of another. One is almost completely Anglo-Saxon. Moreover, the village in Westchester having a population with the oldest median age is included, as well as one having among the youngest. Two of the suburbs are relatively large, with populations over 20,000 and two are small, with populations around 6000.

The return on the mail survey was reassuringly high. Of 496 questionnaires sent, 301 were completed and returned—a return rate of 60.7 percent. Furthermore, the demographic characteristics of the participants included in the return mail sample were highly representative of and proportional to the original mailing list. With regard to sex, the return was almost proportional to the number sent out to each sex. Of the questionnaires, 53 percent went to men and 47 percent to women. Of those returned, slightly more than half came from men (50.2 percent) and slightly less than half from women (49.8 percent). There was also a good response from people in each of the four suburbs. In each case the return was at least 50 percent.[13] A somewhat higher percentage of returns came from the two upper-middle-class suburbs, however, so a slight bias in this direction occurs.

In addition to determining who should be included in the survey, one other methodological problem arose. Any attempt to explain why so few women hold elected public office, it was felt, must include not only a comparison of men's attitudes toward holding public office to those of women, but also a comparison of women who have held public office to those who have not. The percentage of women who have held elected public office, however, is very small (at the local level only about 6.5 percent of the elected public officials throughout the nation are women). Any attempt to make such a comparison, therefore, must be based on a relatively small sample of women officeholders.

In this study only 17 women out of the 249 female political participants re-

[13] The return rate for each suburb: Bronxville: 77.6 percent; Scarsdale: 67.5 percent; Tuckahoe: 52.6 percent; and Eastchester: 50.0 percent.

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ported holding public office or having run for public office. The conclusions drawn, therefore, must be qualified by the fact that part of the sample is small, although unavoidably so, and that, in addition, it is not nationally representative. To some extent these shortcomings have been overcome by including, when possible, the results of related nationwide samples, but confirmation of these findings must await a nationwide study. In the meantime, it is believed this study serves as an important first step toward answering several important theoretical and practical questions which lie at the heart of women's politics.

Factors Not Limiting Women from Holding Public Office

Before discussing factors which were found to limit women's ability to run for public office, it seems appropriate to first mention a few factors not found to be important.

Lack of Interest and Commitment

First, it is not from lack of interest in politics nor an unwillingness to commit time to politics that so few women hold elected public office. At the local level, women devote a considerable amount of time and interest to politics. In fact, the women "political participants" reported that they devoted more time to local political activities than the men.

Table 1 shows that nearly one-sixth (16.2 percent) of the women devoted over forty hours per month to political activities, while less than one-tenth (9.2 percent) of the men did the same. Over half the men (54.6 percent) said they devoted less than nine hours a month to political activities, compared to only 36.5 percent of the women.

The belief that women are less willing than men to commit a great amount of time to politics and, consequently, are not chosen for elected public office simply does not hold water, at least with respect to this study. On the contrary,

TABLE 1

Hours per Month Devoted to Political Activities by Sex

	Sex	
Response	*Women*	*Men*
Over 40 hours	16.2%	9.2%
30 to 40 hours	12.2	5.9
20 to 30 hours	10.8	11.8
10 to 19 hours	24.3	18.4
9 or less hours	36.5	54.6
	100	100
	(*N* = 148)	(*N* = 152)

Cramer's V = .207

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a large pool of women who are willing to devote a great amount of time to politics exists at the local level. A lack of commitment and interest, therefore, is not a factor which validly explains women's absence from elected public office.

"Dirty" Politics

A second factor which is thought by some to discourage women from participating directly in politics is a stronger belief among women than men that politics is "too dirty." Robert Lane suggests this hypothesis. He cites David Riesman's article, "Orbits of Tolerance, Interviews, and Elites," to support his contention that women are more moralistic than men.[14] The moralistic orientation arises, Riesman states, from maternal responsibilities and greater participation in religious activities. This, Lane maintains, tends to focus female political attention upon persons and peripheral reform issues, and causes them to shun what they consider the less respectable aspects of politics. Lane states:

> The net effect of this moralistic orientation has not only been to provide an ineffective and relatively "ego-distant" tie with political matters, but also, as Riesman has remarked, to limit attention to the superficial and irrelevant aspects of politics.[15]

A number of women in the United States no doubt shun participating in politics because they feel it is "too dirty." Slightly over one-third (35 percent) of the women polled in a 1972 Louis Harris survey agreed with the statement that "politics is too dirty a business for women to become involved in."[16] "Dirty politics," however, is not a factor capable of explaining why few women "political participants" in the four suburbs hold public office. So few women in the survey felt that local politics was "dirty" that a comparison between those women who had run for office and those who had not was impractical. Moreover, no significant difference in opinion was found between men and women. Only a small percentage of both sexes (3.4 percent of the men and 6.8 percent of the women) agreed with the statement that in their community "politics is dirty." This, therefore, does not appear to be a factor which discourages interested women from seeking office.

Factors Restricting Women from Holding Public Office

The survey identified three factors, in particular, which did prove to restrict women's ability to hold public office.

[14] David Riesman, "Orbits of Tolerance, Interviews, and Elites," *Public Opinion Quarterly*, 20 (1956), 49–73.

[15] Lane, *Political Life*, p. 213.

[16] Louis Harris et al., *1972 Virginia Slims American Women's Opinion Poll, A Survey of the Attitudes of Women on Their Roles in Politics and the Economy* (New York, 1972), p. 16.

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TABLE 2

Women Who Have Run for Public Office by Children at Home

Response	Number of Children	
	None	One or More
Have run	26.1%	5.3%
Have not run	73.9	94.7
	100	100
	(*N* = 46)	(*N* = 95)

Phi = .277

Children at Home

As might be expected, one of the factors found to affect women's political behavior is children. Someone must take care of them, of course, and present cultural norms assign this task primarily to the mother. Such responsibilities do not appear to limit the ability of women to engage in most political activities except one—holding public office.

When women with children at home were compared to women having none, no significant difference was found in the time they devoted to political activities in general or whether they had served as party district leaders. An important difference, however, was found to exist between those who had and had not run for public office. Only a small percentage of women (5.3 percent) who had one or more children at home had run for public office, while more than one-fourth of the women with no children at home (26.1 percent) had done so, as shown in Table 2.

For men there was also a difference between the percentage having children at home who had run for office (21.5 percent) and those having none (38.9 percent), as shown in Table 3.

It appears, therefore, that children might also have an influence on the willingness of men to run for office. The influence, if it does exist, however, is not as great. When men are compared to women, as in Table 4, it can be seen that a

TABLE 3

Men Who Have Run for Public Office by Children at Home

Response	Number of Children	
	None	One or More
Have run	38.9%	21.5%
Have not run	61.1	78.5
	100	100
	(*N* = 36)	(*N* = 106)

Phi = .154

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TABLE 4

Men and Women with One or More Children at Home Who Have Run for Office

Response	*Sex*	
	Women	*Men*
Have run	5.3%	21.5%
Have not run	94.7	78.5
	100	100
	(*N* = 95)	(*N* = 107)

Phi = .220

substantially higher percentage of men who have run for office have children at home (21.5 percent) than do women (5.3 percent).

The importance of children as a factor restricting women from running for public office is supported further by the low percentage of women running for office at child-bearing and child-rearing ages. Table 5 shows that only 5.9 percent of the women under forty, and only 6.8 percent of those between forty-one and fifty, had run for public office. Between the ages of fifty-one and sixty, however, when most of the children have left home, a marked increase occurred in the percentage of women who had run (26.7 percent).[17]

This was not the case for men. As shown in Table 6, almost the same percentage of men under forty (23.1 percent) had run for public office as those fifty-one to sixty (27.0 percent). There was, however, a substantial increase of men over sixty who had run for public office. The probable reason for this is that many men, as they reach retirement age, find more time to devote to local civic activities.

If children, in fact, do inhibit women from running for public office, it is important to consider why, especially since children were not found to limit the

TABLE 5

Women Who Have Run for Public Office by Age

Response	*Age*			
	Under 40	*41–50*	*51–60*	*Over 60*
Have run	5.9%	6.8%	26.7%	16.7%
Have not run	94.1	93.2	73.3	83.3
	100	100	100	100
	(*N*=33)	(*N* = 57)	(*N* = 30)	(*N* = 18)

Cramer's V = .225

[17] The small number of women respondents under forty without children prevents the use of multivariant analysis to confirm the fact that children, not age, is the underlying factor limiting women's ability to run for public office.

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TABLE 6

Men Who Have Run for Public Office by Age

	Age			
Response	*Under 40*	*41–50*	*51–60*	*Over 60*
Have run	23.1%	20.4%	27.0%	38.5%
Have not run	76.9	79.6	73.0	61.5
	100	100	100	100
	(*N* = 26)	(*N* = 54)	(*N* = 37)	(*N* = 26)

Cramer's V = .148

time women devoted to political activities in general or to restrict them from serving as party district leaders.

Explanations offered by women surveyed indicate that the most likely reason lies in the particular nature of running for and holding public office. As one mother put it:

> It is not so much the amount of time—I can always hire a babysitter as long as I know some time in advance when I am needed. I can always plan my time around a League of Women Voters' meeting. But holding public office involves work at unpredictable hours, and I can't cope with this.

If this woman's feelings are indicative of others, and responses indicate they are, it appears that odd working hours and spur-of-the-moment activities are the aspects of public office which discourage women from pursuing elective office. For men this is apparently less the case. Since they are not the ones primarily held responsible for child care, they feel more free to engage in such activities.

The discouraging effect of children on women's desire to seek public office also greatly restricts their ability to run for office after the children have left home. Because of children, women may fail to gain the experience in their twenties, thirties, and early forties that their male counterparts are acquiring. When, at last, they are free, they may lack the political know-how and connections to effectively compete against the more experienced men. In short, most men interested in politics get a head start and it is very difficult for women to catch up.

Female Political Role Perceptions

Another factor is women's own role perceptions concerning the nature of their participation in politics. It is apparent from the survey that holding public office is a form of political activity considered by most of the women surveyed to be "improper"—that is, such activity is not included in their image of what a woman should do or is even capable of doing well. One might think that the women's liberation movement would have changed this, but the feeling still persists and is widespread.

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It is expressed in a number of ways. A large percentage of women, for example, do not feel others would approve of such activity. Over three-fourths (78.8 percent) of the women polled felt that "most men would prefer women to contribute to politics in ways other than running for office."

A large percentage of women also feel that members of their own sex would disapprove of such activity. Almost half (47.9 percent), in fact, agreed that "most women would prefer other women to contribute to politics in ways other than running for office."

Furthermore, over one-third of the women (35.0 percent) did "not necessarily" agree that "more women should run for public office in the future," despite the fact that only 3.6 percent of the 397 elected public offices in Westchester County are held by women.

A survey conducted nationwide by Louis Harris and associates shows similar results. Fifty percent of the women polled agreed with the statement that "women should take care of running their homes and leave running the country up to the men."[18] Almost two-thirds (63 percent) agreed that "most men are better suited emotionally for politics than are most women."[19]

Another integral aspect of women's role perceptions regarding their participation in elected public office is whether they feel they are capable of handling such responsibilities.

Angus Campbell and associates found in their voter study surveys that men tend to believe to a greater extent than women that their participation in politics carries more weight in the political process:

> Men are more likely than women to feel that they can cope with the complexities of politics and to believe that their participation carries some weight in the political process . . . what has been less adequately transmitted to the women is a sense of some personal competence vis-à-vis the political world.[20]

The results of the survey indicate that women do have a lower sense of political competence, and that this feeling affects their willingness to run for public office. When women who expressed a positive sense of political competence were compared to those who had not, as in Table 7, a marked difference occurred in the percentage of the two groups who had run for office.[21] Almost 19 percent of the women who expressed a positive sense of political competence had run for public office, while only 3.5 percent of the women with a negative sense of political competence had run.

For men there was also a difference, although not as great. Roughly 30 percent of the men with a positive sense of political competence had run for public office compared to 19.6 percent with a negative sense who had run.

[18] Harris et al., *1972 Virginia Slims Opinion Poll*, pp. 16–19.

[19] Ibid., p. 15.

[20] Campbell et al., *The American Voter*, p. 261.

[21] The Guttman scale for measuring strength of political efficacy developed by the Michigan Survey Research Center was not used in this study since this was not a study of the total electorate, but of a specific group of people identified as "political participants."

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TABLE 7

Women Who Have Run for Public Office by Sense of Political Competence

Response	*Political Competence*	
	Positive	*Negative*
Have run	18.8%	3.5%
Have not run	81.3	96.5
	100	100
	(*N* = 80)	(*N* = 57)

Phi = .205

The high percentage of women with a positive sense of political competence who have run for public office strongly suggests that this sense of competence is an important factor influencing women's willingness to seek elective office.[22] The writer is hesitant to accept this conclusion without some reservation, however. It is possible that some of these women did not have a positive sense of political competence before they took office, but acquired one afterward. In other words, one must question whether for some women, and men as well, a positive sense of political competence is a result of holding public office rather than a prerequisite.

More research is needed to determine conclusively whether political efficacy is an important factor. In particular, a new political-efficacy scale is needed—one which is fashioned specifically for people who are active in politics instead of the one designed by the Michigan Survey Research Center which is more applicable to the general public.

Sex Discrimination

As might be expected, a third factor found to discourage women from running for office is a fear of sex discrimination. Responses to the survey show that over half of the women (56.8 percent) felt that "a woman would have problems different from men if they were to seek public office." Of the women who felt there would be special problems, almost three-fourths of them (74.7 percent) selected "not being accepted by men" as the main problem over others, such as not being accepted by other women, not having approval from their spouses, or other factors which they were free to write in the blank space.

That fear of sex discrimination affects women's willingness to run for public office is indicated further by the fact that a significantly lower percentage of women who agree that women would have problems "different from men" have run for public office than those who do not agree. As shown in Table 8, 17.5

[22] Positive responses include "always" and "most of the time." Negative responses include "sometimes, but not usually," "rarely," and "never." The question asked was, "Do you feel your participation in politics accomplishes much?"

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TABLE 8

Belief that Women Will Have Problems Different from Men

	Will Have Problems	
Public Office	*Agree*	*Disagree*
Have run	8.8	17.5
Have not run	91.2	82.5
	100	100
	(*N* = 80)	(*N* = 57)

Phi = .125

percent of the women who feel there would be no problems different from men have run for office, while only 8.8 percent of the women who feel there would be special problems have run.

The 1972 Louis Harris Virginia Slims survey also shows that many women feel sex discrimination exists. Almost one-fourth (23 percent) of the women respondents volunteered the statement that "men hold women back in politics" when asked why so few women are in politics in the United States today.[23] Furthermore, one-half of the women agreed with the statement that "women are mostly given the detailed dirty work chores in politics, while men hold the real power."[24]

It is difficult to determine to what degree women's fears are valid. There is good evidence, however, that a large percentage of the male political participants in the four suburbs would prefer not to see women running for public office. Two-thirds (69.2 percent) of them agreed that "most men would prefer women to participate in politics in ways other than running for office."

The important point is not whether discrimination exists, however, but whether women believe it does. The mere belief of its existence serves to discourage women from seeking public office. The results of the local survey and the Louis Harris survey indicate that women do believe it exists. This factor, therefore, also must be included among those inhibiting women from running for public office.

Women in Elected Public Office in the Future

In seeking to explain why so few women currently hold elected public office, three factors, in particular, have been identified. One is the presence of children at home, a factor which has both short-range and long-range effects. In the short run, child care prevents women from fully participating in politics in their twenties, thirties, and early forties, especially in the more time-consuming aspects of politics such as running for public office. In the long run, after the

[23] Harris et al., *1972 Virginia Slims Opinion Poll*, p. 19.

[24] Ibid., p. 16.

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children are grown, entrance into politics at the decision-making level is extremely difficult because of their lack of political know-how and connections relative to the more experienced male who has been active all along. A second factor is the role perceptions held by women about what is "proper" and "not proper" for them to do in politics, and about their feelings of competence to participate in certain kinds of political activities. A large percentage of the women still feel that seeking public office is an unfeminine pursuit and many women expressed a negative sense of political competence. A third factor is fear of sex discrimination.

Any attempt to predict the importance of these factors in the future in restricting women from seeking elected public office is, of course, speculative. Nevertheless, a few fairly good predictions can be made on the basis of trends currently under way.

The factor most likely to change in the near future is women's role perceptions about the types of political activity that are "proper" for them to pursue. The women's liberation movement seems to be having a gradual effect on women's role perceptions. In a 1971 Louis Harris poll, for example, women opposed efforts to strengthen and change women's status in society by 42 to 40 percent. Only a year later women favored such efforts by 49 to 36 percent.[25] This change in women's attitudes is evidently spilling over into the realm of politics, as witnessed by the large increase of women running for congressional seats as candidates of the two major parties in 1974 (forty-six) compared to 1972 (thirty-four) and 1970 (twenty-six).

It also seems safe to predict that men's attitudes toward women holding public office will become more accepting and that expressions of sex discrimination will decrease. The same Louis Harris survey showed that almost half (49 percent) of the men in 1972 favored efforts to strengthen women's status compared to 44 percent in 1971.[26]

The factor least likely to change, and, therefore, most likely to continue to restrict women from fully participating in politics in the future, is child care. Most women between the ages of twenty and forty-five still consider the care of children to be their primary responsibility. As long as this role perception continues, women will be at a disadvantage in competing with men for elected public office.

A number of changes are occurring that, no doubt, will lessen the inhibiting effect of children. One is the fact that women are deciding to have fewer children. In 1974, the fertility rate fell slightly below the zero population growth rate which means that two children per family is now about the average. The establishment of day-care centers may also free more women to participate in elected public office.

It is unlikely, however, that these changes will have a substantial impact in freeing women from child care, at least not to the extent required to run for and

[25] Ibid., p. 2.
[26] Ibid.

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maintain public office. Day-care centers cannot solve the problem because many political activities occur in the evenings, long after the centers close. Two children per family may lessen child-care responsibilities, but it will not necessarily free women at an earlier age to participate in elected public office since, increasingly, couples are marrying and having their children later in life.

Women and the Feasibility of Democracy

If these predictions are correct, the responsibilities of child care will continue to prevent women from competing on an equal basis with men for elected public office. What this means in terms of democracy depends, of course, on one's definition of democracy. The traditional Lockean and pluralist schools of thought define democracy primarily in procedural terms as a set of arrangements which provide an equal opportunity for people to express their opinions and back them up with the right to vote. As long as citizens are formally equal, which means they are enfranchised and thus possess the opportunity for influence, democratic norms are being met in the eyes of Lockean/pluralists.

This view of democracy, however, is limited. Many scholars agree today that it is meaningless to possess formal equality if substantive equality is lacking. In order to overcome the lack of substantive equality, the corporatist/virtual representation school of democracy maintains that certain groups in society must be represented among decision makers in proportion to their size in the population. In short, they assert that office holding, in the case of some groups, is a necessary criterion for democracy. Thus British theorists have given much attention to the need for greater representation in Parliament of working-class people, and numerous American scholars have urged that the number of black representatives and senators be increased in Congress.

This view of "self-representation" requires, of course, the assumption that members of particular groups, such as blacks and workers, share certain basic social interests and viewpoints in common which others are either incapable or unwilling to represent.

If one agrees that there are certain groups in society which must represent themselves in the governmental decision-making process, the question then arises as to whether women comprise one of these groups. Do women share certain basic social interests and viewpoints distinct from other groups which necessitate, for the sake of democracy, that they represent themselves? This question lies at the heart of women's politics.

Further research beyond that undertaken in this study is needed to fully answer this question, but evidence does exist to strongly support the contention that women should represent themselves. One basis for the shared common interests which separate women as a group lies in the different roles which society has traditionally assigned to them, and, consequently, the different responsibilities which they usually have. These divergent responsibilities lead to dissimilar viewpoints between the sexes on certain political issues, and alter the

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TABLE 9

Means and Variances on Attitude Scales and Index of Information by Sex *

	Male (*N* = 436)		*Female* (*N* = 554)	
	Mean	*Variance*	*Mean*	*Variance*
Escalation[b]	4.4	6.46	3.7	8.45
Reescalation[a]	4.1	4.56	4.5	4.86
Information[b]	5.0	4.27	3.7	3.83

*Sidney Verba et al., "Public Opinion and the War in Vietnam," *The American Political Science Review*, LXI, no. 2 (June 1967), 325.

[a] $p > .01$

[b] $p > .001$

priorities which they give to the allocation of some scarce resources. The other concerns the inferior social and economic status in which women have traditionally been held.

Differences in Political Viewpoints

Two recent studies, in particular, substantiate the existence of differences in political viewpoints between the sexes. One of these was conducted by Sidney Verba and associates in 1967.[27] Its purpose was to see if attitudes on the Vietnam war could be patterned along the standard dimensions of social structures such as class, race, party, place of residence, sex, education, and income. A poll was taken to obtain responses to numerous questions about the war, the most important of which was whether the respondents favored escalation or de-escalation of the war.[28]

To their surprise, Verba and his associates found no close correlation between the social status of the respondents and their thoughts on the war. They did find, however, that women were more likely than men to support deescalation. The same was also found to be true for blacks in contrast to whites. Verba states:

> To sum up our findings thus far: there is little group difference in positions on the war in Vietnam. Social status shows little relation to policy position and neither does party affiliation and vote. On the other hand, women are more likely to oppose escalation and favor de-escalation.[29]

[27] Sidney Verba, Richard A. Brody, Edwin B. Parker, Norman Nie, Nelson W. Polsby, Paul Ekman, Gordon S. Black, "Public Opinion and the War in Vietman," *The American Political Science Review*, LXI, no. 2 (June 1967), 317–333.

[28] Guttman scaling procedures were used to test whether sets of items which seemed intuitively to measure the same underlying attitude were, in fact, related in a unidimensional pattern. An eight-item deescalation or peace-initiative scale met the criteria for satisfactory Guttman scales in two random subsamples of the total.

[29] Verba et al., "Public Opinion and the War in Vietnam," p. 326.

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The results of these findings are summarized by Verba and associates in Table 9.

Verba and his associates, however, also found that men were more informed on the war than women. They thought that the differences in attitudes toward the war actually was caused by a difference in the information levels of the respondents. Further analysis showed, however, that the information variable was not a causal factor in explaining the difference in attitudes between men and women. Among the men and women who ranked high in information, there still remained a difference in attitudes toward the war. They concluded, therefore, that a significant percentage of women do think differently than men on the Vietnam war, and, more broadly, on policies that could be considered "aggressive."[30]

More recently, an opinion poll conducted by Louis Harris and associates in 1972 found a number of important differences in the intensity of concern held by men and women on political issues.[31] In keeping with Verba's findings, for example, a significantly higher percentage of women expressed more concern about the war in Vietnam than men. A strong majority of women (65 percent) identified the Vietnam war as one of the most urgent problems facing the United States today, while 56 percent of the men identified the war as most urgent.

A significantly higher percentage of women than men also were more worried about the drug problem. Of the women polled, 17 percent cited drugs as one of the most urgent problems, while only 10 percent of the men felt the same. On the other hand, the results of the poll showed that men are more troubled by economic problems, unemployment, and foreign relations. Almost half (47 percent) of the men felt the state of the economy was the most urgent problem, while little more than one-third of the women (35 percent) felt the same.

Furthermore, men and women not only differed on what they thought were the most urgent problems, but also on what were the best solutions to the problems. In the case of drug addiction, for example, women showed a stronger preference for rehabilitation over punitive measures. Men, on the other hand, favored stiff prison terms over medical and mental treatment.[32] In the case of gun control legislation, 80 percent of the women respondents favored a system of strict gun control under which all hand guns would have to be registered. A far smaller percentage of men (68 percent) favored strict gun control. On the issue of capital punishment, men favored capital punishment by 56 to 37 percent, while women opposed it 46 to 39 percent. Moreover, a substantially higher percentage of men (56 percent) were opposed to reallocating funds away from defense for domestic problems than women (47 percent).[33]

A survey conducted specifically in the four suburbs by the writer also reveals a difference between the sexes on political viewpoints. Respondents were asked,

[30] Ibid., p. 327.
[31] Harris et al., *1972 Virginia Slims Opinion Poll*, p. 68.
[32] Ibid., p. 77.
[33] Ibid., pp. 98 and 99.

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for example, to select from a prepared list the three most important problems in the community. While a large percentage of both men (86 percent) and women (79 percent) cited schools, three-fourths of the men selected taxes as a problem compared to less than half of the women (48 percent). On the other hand, 46 percent of the women selected ecology as a problem in contrast to only 13 percent of the men, and 29 percent of the women but only 19 percent of the men selected health and welfare as a problem. When respondents were further asked "Are there any community problems which need to be solved that seem to be perpetually put off?" a significantly higher percentage of women (66 percent) than men (48 percent) said "yes."[34]

Inferior Social and Economic Status

Another basis for the shared common interest which set women apart as a group is the inferior social and economic status in which women, like blacks, have been held in this society.

Blacks have argued for a long time that it is not in the interests of elected white officials to change the conditions which lead to black inferiority since whites profit from their cheap labor and their performance of menial tasks. Hence, blacks must represent themselves in Congress and other decision-making bodies if things are to be changed.

Likewise, it can be argued that it is not in men's interest to change women's status in society since men profit from the free or inexpensive care of children, and since they also profit from the low wages women usually are paid and the more menial tasks they perform outside the home.

Conclusion

If one accepts the line of reasoning presented in this article, the situation comes to this: most women are restricted from holding public office because of sexual role assignments, and it is precisely because of sexual role assignments that women need to hold public office.

This state of affairs leads to only one logical conclusion. If democracy necessitates that certain groups in society represent themselves in the governmental decision-making process, but sexual role assignments in the case of one group restrict such political participation, then democracy and sexual role assignments must be incompatible.

To the question, therefore, posed at the outset of this article, "Is democracy workable if a majority of American citizens (women) lack an equal opportunity to participate in the governmental decision-making process?" the answer must be "no."

[34] It should be kept in mind that the suburban sample conducted by the writer is not a random sample of the entire population. Nevertheless, to the degree that politically active people influence governmental decision making, these results are important.

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Governor Alfred E. Smith and Penal Reform

DAVID R. COLBURN

On a gray January day in 1919 Alfred E. Smith was inaugurated as the forty-sixth governor of New York. During the next ten years, eight of which he served as governor, Smith instituted a series of reforms which virtually revolutionized New York State politics. He modernized the state government through the creation of an executive budget, the consolidation of state agencies, and the implementation of a four-year term for governor; he alleviated the plight of laborers through workmen's compensation, health and maternity insurance, maximum hours, and a minimum wage commission; he improved educational standards in the city and county; and he set aside lands for public parks, beaches, and recreation. His accomplishments as governor facilitated his reelection in 1922, 1924, and 1926, and gained him such national prominence that he received the Democratic presidential nomination in 1928.

While many of Smith's achievements are well known, his efforts on behalf of penal reform in New York have been overlooked by most observers. His successes in other areas and his defeat on a number of prison reform measures have overshadowed his important contributions, particularly the establishment of a program of rehabilitation through industrial work. Smith, as a prison reformer, was far ahead of his time and among the first to envision a penal program which sought the return of prisoners to society as meaningful contributors.

New York's Prison History

Prior to Smith's election in 1918 prison reform had a long, if somewhat uneven, history in New York. It began with the passage of a law in 1816 authoriz-

DAVID R. COLBURN is assistant professor of social sciences and history at the University of Florida.

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ing the erection of a new state prison at Auburn in Cayuga County. The Auburn system, with its shell-like building and inner yard, and its two rows of windowless stone cells placed back to back, served as the pattern for most subsequent penitentiaries in the nation. Although this approach was to be scored by penologists in later decades for its barrenness, it was initially believed to be much superior to the congregate system[1] and a decided advancement in penal conditions.

The Auburn experiment thus established a penal reform movement in New York, but it took the Prison Association of New York to keep that tradition alive and, indeed, to build greatly upon it. Established in 1844 as a charitable organization, the association sought from the first to uplift the inmates through improved prison conditions and a program of rehabilitation. The organization was, for instance, instrumental in establishing the Elmira Reformatory in 1876. At Elmira each arriving inmate was placed in the second grade. A prisoner could be promoted to the first grade after six months of good conduct and paroled after an additional six months of good conduct or demoted for bad conduct. The important feature of the Elmira system as opposed to the Auburn system was its emphasis on reforming prisoners rather than punishing them.

The Prison Association also helped develop a probation system, a state industrial farm colony, a separate reformatory for misdemeanants, and a National Prison Association. In addition, it published a yearly report in which it evaluated conditions in the state's prisons, suggested improvements, and discussed new ideas in penology.[2]

New York's penal history has also benefited by some very able prison leaders. One of the more remarkable figures was Thomas Mott Osborne who began his career by donning a convict's uniform and entering Auburn prison under an assumed name. Convinced that most prisoners wanted to be rehabilitated, Osborne later became warden at Sing Sing where he introduced the inmates to the duties of citizenship through self-government. Discipline at Sing Sing was placed in the hands of five judges chosen from an elected prison delegation. Osborne also removed guards from the workshops, established an employment bureau and a commissary, and permitted outdoor recreation and entertainment.

Despite the efforts of the Prison Association and penologists such as Osborne, penal reform in New York often was stymied by public and political opposition as well as the criticism of conservative prison leaders. New York's citizens and their political representatives were still of the opinion that criminals should be disciplined for their crimes; correction came through punishment rather than rehabilitation. Many prison leaders also resisted the reforms, arguing that they disrupted prison life and failed to rehabilitate the inmates. In such an environment penal reform efforts frequently were set back if not suffocated. Osborne, for instance, encountered bitter criticism from political leaders and citizen

[1] This system indiscriminately confined several prisoners together in one cell.

[2] For a more complete listing of the Prison Association's accomplishments see one of their annual reports.

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groups for his reform efforts. He received little cooperation from his colleagues and continued interference from the superintendent of prisons. Under increasing attack, he finally resigned in disgust in 1916.[3]

Governor Smith's Role in Prison Reform

Without substantial political or public support, prison reform was doomed to frustration. In 1918 the essential political backing was secured with Smith's election as governor. The governor's penal program combined his personal views with the latest ideas on penal reform. His attitude had been forged in large part during his youth. Born on the Lower East Side of Manhattan, Smith matured in an environment that was a breeding ground for crime. The East Side teemed with immigrant people struggling to survive in a society that showed little concern for their well-being. Those unable to support themselves or their families often turned to crime. Smith was poor himself as a young man, and thus well aware of the temptations that induced many to turn to crime. "I can never forget my own early days and the struggle I went through . . . ," he remarked later in life.[4] Smith was forced to quit school at the age of fourteen to help with the support of his mother and sister. His father had died two years before after a long illness that left the family nearly penniless, and his mother had been unable to provide adequately for the family on her own. Smith wandered through a series of low-paying jobs before his political activity on behalf of Tammany Hall landed him a rather lucrative position as subpoena server. With his foot in the political door, Smith continued his support of Tammany at the district and precinct meetings. He was eventually rewarded with the state assembly nomination in 1903. He had managed to escape the poverty of the ghetto through politics, and his success first as an assemblyman and later as governor ensured that he would never have to face its insecurities again.[5]

The straitened circumstances of Smith's youth gave him a sympathy and an understanding for the criminal element that went beyond a humanitarian desire to improve their situation. The governor had known criminals on a personal basis, some were neighbors, and a few were even friends. It was this personal knowledge and understanding of the criminal that Smith brought with him when he became governor of New York.

At the time of Governor Smith's inauguration in 1919, several state prisons in New York were still using medieval practices to subdue their more intransigent prisoners. Many institutions chained rebellious inmates to the doors of their cells or strapped them to the floor. The Bedford Reformatory still practiced the "water cure" by which young women who were difficult to control had their heads dunked into a pail of cold water until they appeared sufficiently subdued.

[3] Frank Tannenbaum, *Osborne of Sing Sing* (Chapel Hill, N. C., 1933).

[4] *The New York Times*, November 18, 1922, p. 16.

[5] Smith Papers, Wells Fargo Scrapbook, 1896. Museum of the City of New York. Alfred E. Smith, *Up to Now: An Autobiography* (New York, 1929), pp. 6, 77.

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In fact, some were only semiconscious. The superintendent of Bedford, Miss Helen A. Cobb, said these measures were not considered punishment, but simply "restraint" and "treatment."[6]

An investigation conducted by John S. Kennedy, a reformer and penologist, at the request of Governor Smith, revealed that many of these young women were psychopaths who were not responsible for their actions. One matron who had worked with psychopaths for ten years told Kennedy that "if you don't quell them or rule them with an iron hand you cannot live with these people." When asked to define a psychopath, she replied, "Well, I guess it is a very high tempered girl." Conditions at other prisons in the state were not much better than those at Bedford. Male felons who committed sexual crimes continued to be sterilized but were seldom afforded psychiatric help.[7]

The prisons made little attempt to rehabilitate the prisoners or to train them for outside employment. Instead, they often were cooped up in 3'4" × 6'7" × 7' cells and, upon completion of their jail terms, were expected to return to society as responsible citizens. Conditions were worsened by overcrowding and inadequate health care. Many of the state prisons were equipped for 1200 inmates but often housed as many as 1800. Health care was so poor that one-half of the prisoners came out of prison physically incapacitated with tuberculosis, kidney disease, asthma, syphillis, deafness, poor eyesight, or some other debilitating disease.[8] In 1917, while many prisoners sat in their cramped quarters with nothing to do and little to occupy their minds, Governor Charles S. Whitman's administration had awarded a contract for manufacturing New York license plates to the state of Illinois.[9] It was no exaggeration to say that once the prison doors closed the convicted man was out of sight and out of mind.

At the dedication of a new Sing Sing prison facility in 1920, Smith promised a new deal for the beleaguered prisoners: "Not only are we laying the cornerstone of a new building, we are adopting an advanced policy in the care of prisoners."[10] The governor had announced earlier to a meeting of United States prison officials in New York City that the time had come to stop caging men up in cells as they did during the nineteenth century simply to prevent escapes. "It would be a great deal better," he asserted, "if one or two occasionally did get away than to destroy hundreds of them by tying them down to the floor."[11]

Smith had already instructed James L. Long, superintendent of prisons, to rectify the existing evils and eliminate obsolete methods in the prison system. To assist Long and to promote efficiency within the penal system, Smith urged the legislature to consolidate the four separate bodies administering prison mat-

[6] *The New York Times*, November 19, 1919, p. 9. *The Public Papers of Alfred E. Smith, Governor, 1919–1920*, 2 vols. (Albany, N. Y., 1920), 11, p. 178.

[7] *Public Papers, 1919–1920*, 11, pp. 174, 184. *The New York Times*, May 12, 1920, p. 10.

[8] *Seventy-First Annual Report of the Prison Association of New York, 1915* (Albany, N. Y., 1916), p. 33.

[9] *Public Papers, 1919–1920*, 1, p. 772.

[10] *The New York Times*, October 3, 1920, p. 3.

[11] *Public Papers, 1919–1920*, 1, p. 772.

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ters: the Commission on Prisons, the Board of Parole, the Probation Commission, and the Superintendent of Prisons. These agencies, he observed, "are traveling over the same territory at almost the same moment, doing the same kind of work." He noted, it was not unusual for the Board of Parole, on leaving Sing Sing or some other prison, to bump into the Commission on Prisons going in.[12]

These changes which Smith initiated were designed to eliminate the more obvious problems and effect a smoother operation of the state prison system; they were not devised to restructure the system. Smith appointed a blue-ribbon Prison Survey Committee, chaired by Adolph Lewisohn, prominent New York reformer and philanthropist, to provide more substantive changes in the state houses of correction. Composed of political, prison, and civic leaders in the state and assisted by a large corps of experts, the committee was directed by Smith to formulate an enlightened prison policy for the future, and ascertain the most effective way to utilize industries as an adjunct to rehabilitation. "If we can bring a condition . . . which will offer an incentive to each prisoner to work hard and conduct himself properly while in prison," he told committee members, "we shall have gone a long way toward rehabilitating the unfortunate element in the community."[13]

During the course of the committee's investigation, Smith concentrated on the more immediate post-World War I problems of housing, radicalism, and unemployment. Indeed, throughout his eight years in office, penal reform was never the principal concern of his administration. Nevertheless, he did introduce in each session of the legislature at least one bill and usually several bills aimed at improving prison conditions. In addition, he made numerous speeches and held newspaper and magazine interviews during which he sought to enlist the support of the public in his campaign for penal reform. Robert Moses once observed that few public officials excited the interest of the populace to the needs of the state in the manner Smith did.[14] A dynamic public speaker, the result of several youthful years in the amateur theater, Smith, with arms gesturing and his speech pierced with an occasional anecdote, captured and held his audience's interest as few speakers could. He told audiences throughout the state: "I can think of nothing which is so deadly, nothing which will tear down the spirit, nothing which will so sap a man's energy and ambition as confinement in enforced idleness." "The big story," he argued, "is what can the State of New York do to help them, because if we can help them to a line of honest endeavor, we are helping ourselves."[15]

[12] *The New York Tribune*, January 4, 1919, p. 16. Alfred E. Smith, *Progressive Democracy: Addresses and State Papers of Alfred E. Smith* (New York, 1928), p. 85.

[13] *The New York Times*, January 22, 1923, p. 21. The use of such blue-ribbon committees was also viewed by Smith as a way of gaining public support for his programs. These committees had traditionally received a great deal of publicity because of the prominence of their members and the findings they periodically released before the final report to the governor.

[14] Robert Moses, *Working for the People: Promise and Performance in Public Service* (New York, 1956), p. 27.

[15] Smith, *Progressive Democracy*, p. 214.

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Smith's Penal Reform Proposals

Inactive for two years due to Smith's defeat at the polls in 1920, the Prison Survey Committee did not complete its investigation until 1923. The governor used the report to lay the foundation for a prison policy that emphasized rehabilitation through occupational activity. The heart of the plan was the assignment of each prisoner on arrival to a penal clearing house from where he would be assigned to the prison that carried on the industry for which he was most qualified. The prisoner would receive reasonable wages for his work based on a profit-sharing arrangement. The wages would be used to help the prisoner support his family. This proposal was important to the governor; he had seen many a family on the Lower East Side forced into poverty when the husband had been sent off to prison. He also believed that a system of incentives and rewards would encourage the prisoner to develop habits of industry and pride which would stand him in good stead when he returned to civil life.[16]

A superintendent of industries would coordinate the industrial program while an assistant superintendent of industries would try to expand the market for prison-made goods. (Such goods were restricted by law to state and federal purchases and were not allowed to be sold on the private market.) Finally, the Parole Board would be replaced by a committee composed of the superintendent of prisons, the superintendent of industries, and the deputy controller. The committee would evaluate a prisoner's personal conduct and industrial performance before granting a parole. The Prison Survey Committee advised Smith that the Parole Board as it presently stood was grossly inefficient. The board, which consisted of three men, the superintendent of prisons and two assistants, met only three days per month and ten months out of the year to consider paroles.[17]

The governor also urged the adoption of two additional programs to facilitate the establishment of the industrial program. The first recommended the development of a comprehensive plan of prison building to eliminate old facilities and to utilize properly existing facilities for the industrial program. The second sought the segregation of men and women prisoners on the basis of their physical and mental health. Under the system then in use, men and women were placed indiscriminately into prisons without regard for their physical or mental state. Many prisoners were receiving disciplinary treatment, such as those at Bedford Reformatory, when, in fact, they needed medical care. The new Sing Sing prison which was being built was to be such a receiving and classification institution. An industrial and psychiatric staff would classify prisoners according to their job skills and mental abilities on an individual basis.[18]

The legislature, controlled by the Republican party in 1924, refused to go as

[16] *The New York Times*, January 22, 1924, p. 21. Ibid., January 7, 1928, p. 11.

[17] Ibid., January 22, 1924, p. 21. Ibid., January 8, 1925, p. 21.

[18] *Public Papers, 1919–1920*, 11, p. 658. *The Eighty-Third Annual Report of the Prison Association of New York, 1927* (Albany, N.Y., 1927), p. 19.

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far as Smith had hoped in implementing the Prison Survey Committee's recommendations. They rejected the creation of a new Parole Board, asserting that the old board simply needed to be restructured. They also defeated the establishment of a superintendent of industries because of fears over the additional patronage it would generate. Nevertheless, motivated in part by Smith's use of public pressure, they did approve the use of industrial activity as a means of prisoner rehabilitation.[19]

The industrial work program represented an important change in the planning and administration of New York's penal program. Discipline and punishment were deemphasized in an attempt to rehabilitate inmates through job opportunities. The new program was, however, only part of a larger effort envisaged by Smith and his aides. They sought ultimately to revamp the entire sentencing process. In December 1927 Smith recommended the creation of a board composed of psychiatrists, psychologists, lawyers, prison experts, and students of criminology to determine the sentencing of a convicted criminal in the best interest of the state and the individual. The board would also determine the individual's mental competence. Thereafter the board would periodically review the prisoner's record and recommend either parole, continued detention, or transfer to an institution for the insane or feeble-minded.[20]

The governor asserted that too many sentences handed down by New York judges were inconsistent with the crime committed and often ignored the physical and mental needs of the criminal. Indeed, as to the latter, a survey of prison inmates made by the Sing Sing psychiatric clinic between 1916 and 1918 found intermingled in a prison population of 1500 men—180 who were definitely insane, 260 psychopaths, and more than 400 feeble-minded.[21]

The governor's proposal raised quite a furor in the state. Initial responses from the state's newspaper editors were decidedly hostile. A *New York Times* editorial labeled the recommendation "fantastic" and claimed it would do irreparable damage to the state's system of justice. However, a number of experts who had given the matter closer study heartily supported Smith's plan. A. M. Kidd, professor of law at Columbia University, commented in a letter to the editor of the *Times* that the present system could more correctly be termed "fantastic." He noted that sentences handed down by judges were hardly consistent; that judges were not selected from the ablest and most experienced lawyers but through political connections; and that when a judge sentenced a man he knew less of the defendant than anyone involved in the case. In fact, everything about a man's character, other crimes, and life history were excluded during a trial. Also supporting the governor's recommendation were Dr. Winifred Overholzer of the Boston University School of Medicine and Clarence Darrow, the

[19] *The New York Times*, May 3, 1924, p. 19.

[20] "Smith as an Administrator," *Review of Reviews*, LXXVIII (October 1928), 383. *The New York Times*, December 8, 1927, p. 1.

[21] "Governor Smith Penologist," *Nation*, CXXV (December 21, 1927), 698.

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noted trial lawyer, who defended the proposal as essential to rehaping the state's obsolete prison policies.[22]

Despite the endorsement of these legal and medical authorities, reformers were divided over Smith's proposal. The influential Prison Association of New York was sympathetic to the measure but argued that it would be a mistake to abandon completely a system which had proven fairly reliable.[23] Echoing this and other considerations, the Republican majority killed Smith's bill in committee. The party's legislative leaders also denounced the proposed board as unconstitutional and alleged that such a board of experts would be too willing to give convicted felons a second chance. The latter argument was especially effective since much of the increased crime rate in New York was attributed to former convicts. The Republicans asserted that more rigid pardoning standards were needed to prevent the plundering of society, not more relaxed ones.[24]

Smith did manage, however, to institute a number of other less controversial changes in the penal program which materially improved prison life. He ordered an end to the "water cure" and the handcuffing of women at Bedford Reformatory. "Women are sent to Bedford to be benefited by training and education," he insisted. "We hope to show them the better side of life."[25] In conjunction with this order, Smith moved to establish a Department of Psychiatry in each of the state prisons. The department, composed of a psychiatrist, a psychologist, and a field worker, would periodically examine the mental health of each prisoner and provide counseling assistance. Additionally, he vetoed a legislative measure that would have confined misdemeanants with felons. He commented that sentencing minor offenders with hardened criminals would seriously hamper rehabilitation while probably accelerating the recidivism rate. In a similar vein, he approved a Children's Court bill that removed child offenders from the criminal class but still left them under the care of the state.[26]

Prison Conditions

An integral part of Smith's penal program was his effort to upgrade the quality of prison personnel. He began by establishing the Department of Corrections as a cabinet-level post in 1927, and appointing Dr. Raymond F. C. Kieb as the commissioner of correction. Kieb, who had extensive prison experience and had been active in penal reform, instituted closer working relations between the department, superintendents, and wardens. Morale was also improved by Kieb's removal of politics from the Department of Corrections with Governor Smith's support. The effects of Kieb's policies were immediately felt: coordination and

[22] *The New York Times*, December 16, 1927, p. 24. Ibid., July 12, 1929, p. 10. Ibid., December 10, 1927, p. 19.

[23] *The Eighty-Fourth Annual Report of the Prison Association of New York, 1928* (Albany, N. Y., 1928), p. 65.

[24] *The New York Times*, December 24, 1927, p. 7.

[25] Ibid., March 19, 1920, p. 6.

[26] *Public Papers, 1919–1920*, 1, p. 153. Ibid., *1924*, p. 557.

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administration of the prison rehabilitation program were materially improved, and the hardships of prison life were substantially ameliorated.[27]

Before Smith's program could be completely effective, however, both he and Kieb realized that many old-line prison officials and guards would have to be replaced. Their refusal to accept the new prison policies greatly restricted the effectiveness of the program. Smith and Kieb soon discovered that this was going to be no easy task. Very few qualified people in New York or elsewhere were willing to accept $3500 a year to be warden at Sing Sing prison, and that was one of the better-paying prison positions in the state. Furthermore, the prison attendants were paid such ludicrously small salaries that it was very difficult to find any able-bodied man to accept such a position. Historian and penologist Frank Tannenbaum noted that "the pay was so low that it is impossible to secure any but the least competent."[28] The shortage of able-bodied guards was so severe at one prison that authorities were forced to lock the guards in steel cages while the prisoners lived in the corridors that had been converted into dormitories. In such surroundings it was nearly impossible to institute the governor's rehabilitation program. To attract qualified people Smith sought immediate increases in prison salaries at all levels. The fiscally conservative legislature rejected the raises. Smith pointed out vainly that nonrehabilitated prisoners cost the state more money in the long run. The legislature ignored his petition.[29]

The physical condition of the state prisons was equally as detrimental as the personnel problems to the implementation of a new prison program. The institutions were all vintage nineteenth century. Prisoners were caged in small rooms with only the barest facilities. In 1903 Governor Benjamin Odell had condemned Sing Sing prison for its unsanitary and unwholesome condition. Yet, in 1919 Sing Sing was still being used for the lack of a better place to house the convicts. Even when construction on a new facility at Sing Sing commenced in 1917, progress was agonizingly slow. In 1924 Governor Smith reported that the most important work remained to be done.[30]

An investigation of prison facilities in the state disclosed that Sing Sing's physical plant was not much worse than that of any other prison. The report cited such common problems as insufficient air and light, inadequate fire and health protection, and the complete lack of even basic comforts and conveniences. Conditions were so bad at one prison that the inmates had to walk down twelve floors to use the toilet facilities.[31]

[27] *The Eighty-Third Annual Report of the Prison Association of New York, 1927*, p. 19.

[28] Quoted in Harry Elmer Barnes and Negley K. Teeters, *New Horizons in Criminology* (Englewood Cliffs, N. J., 1944), p. 59. Tannenbaum's observations are based on his study of New York prisons and his incarceration for unlawful assembly. See Frank Tannenbaum, *Wall Shadows* (New York, 1922).

[29] Smith, *Progressive Democracy*, p. 214. *The New York Times*, December 8, 1927, p. 3.

[30] Alfred E. Smith, *Progress of Public Improvements: A Report to the People of the State of New York* (Albany, N. Y., October 1927), p. 10.

[31] *Public Papers, 1919–1920*, 11, p. 244.

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The physical plight of the state's prisons was not due to shoddy administration but to New York's antedated fiscal system. As with other public programs, prison construction and prison improvements were financed by current revenues rather than by bond issues. In years when there was a small budget surplus, particularly those years during and after World War I, no money was appropriated for prison construction. Referring to the delayed completion of the new Sing Sing prison, Smith observed, "It is no economy to start a prison in 1917, and not complete it until 1927. This is a definite loss to the State."[32]

The governor recommended the use of bond issues to finance expensive, long-term projects. He argued that such public projects benefited the state for years to come. Therefore, he reasoned, more than one generation should bear the financial burden. At his direction and with the assistance of the state's newspapers, the legislature passed and the people of New York approved a $50 million bond issue in 1923 and a $100 million bond issue in 1925 for a state building program, from which prison construction and repairs were financed.[33]

The Granting of Clemency and Pardons

The approval of the bond issues relieved one of Smith's biggest headaches. However, he was plagued by an equally aggravating affliction throughout his governorship, one which offered no easy solutions—that of granting clemency. He found this problem particularly trying. "I think there is no part of the Governor's job that causes him more mental and even physical strain. . . ."[34]

Smith did not oppose the death sentence. On the contrary, he felt that the death penalty acted as a preventive against capital crimes, but he did have some serious reservations about the taking of a human life. "There were nineteen men executed when I was Governor, and I came near going with them every time."[35] His mental anguish was compounded by the knowledge that he could give but scant consideration to each plea. Burdened with his sundry duties as governor of New York, there were not enough hours in the day in which to fulfill his obligations to the people of New York, and to consider carefully each petition for clemency. To alleviate this drain on his energy Smith recommended that a Board of Pardons be created to decide whether the death sentence should be executed. The board would examine each prisoner's record and background thoroughly, and make their recommendation. Besides granting reprieves, the governor also was encumbered by commutations, pardons, and interstate renditions. Smith suggested that the Board of Pardons could also decide modifications

[32] Norman Hapgood and Henry Moskowitz, *Up from the City Streets: A Biographical Study in Contemporary Politics* (New York, 1937), p. 237.

[33] *The New York Times*, November 7, 1923, p. 1. "Governor Smith's Victory," *Nation*, CXXI (November 18, 1925), 562.

[34] Alfred E. Smith, *The Citizen and His Government* (New York, 1935), p. 92.

[35] *The New York Times*, January 23, 1921.

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in a prisoner's sentence as well as pardons. "It appeals to me as a modern, humane, scientific way to deal with the criminal offender."[36]

During his eight years in office, Smith commuted the sentences of several hundred men, few of whom ever returned to prison. He was very proud of this fact. Careful examination of each prisoner's record ensured such a small return ratio. Before commuting a man's sentence, Smith had his aides scrutinize each prisoner's record, and requested that the district attorney or the judge, before whom the man had been tried, submit his recommendation.[37] The standards set by Smith were rather rigid but he tempered these standards with a benevolence that was an important part of his administration. For example, the governor granted clemency to three men who had suffered the mental anguish of waiting on death row since 1895, 1907, and 1908 respectively while their appeals were considered. At the request of Warden Homes of Great Meadow prison, Smith permitted a prisoner to attend his mother's funeral. He pardoned several elderly and ailing men so that they might enjoy their remaining days in freedom. On another occasion he pardoned a former baker whose prison record was excellent and whose family was in desperate need of a full-time wage earner.[38]

Controversy occasionally surrounded Smith's pardons but few reached the crescendo Jim Larkin's achieved. From 1918 to 1920 the Red Scare in New York resulted in the arrest and imprisonment of several alleged agents of the Bolsheviki. Among those imprisoned was James J. Larkin, a leader of the radical International Workers of the World, and four other self-proclaimed radicals. A review of Larkin's case disclosed that his conviction was based on his affiliation with the International Workers of the World and his endorsement of the "manifesto of the Left-wing of the Socialist Party," which called for the violent overthrow of the United States government. Nevertheless, there had been no evidence presented during the course of Larkin's trial or the trials of the four radicals imprisoned with him that they had ever conspired to incite a specific act of violence or lawlessness.[39]

On January 17, 1923, Smith granted Larkin an unconditional pardon and one month later he did the same for the four other prisoners arrested with him. "Censorship," the governor declared, "is not in keeping with our idea of liberty and of freedom of worship or freedom of speech."[40] He concurred with former Supreme Court Justice Oliver Wendell Holmes who had argued that "with radical ideas, as with the not yet forgotten champagne, the best way to let them get flat is to let them get exposed to the air."[41]

[36] Ibid., December 17, 1920, p. 24. Ibid., October 21, 1919, p. 24. Ibid., January 5, 1928, p. 14.

[37] Smith, *Progressive Democracy*, p. 202.

[38] *Public Papers, 1919–1920*, 1, p. 685. *The New York Times*, August 30, 1919, p. 10. Ibid., August 24, 1920, p. 28.

[39] *The New York Times*, January 18, 1923, p. 6. The other four radicals were Minnie Kolnin, Anna Leissman, Ignatz Mizher, and Paul Manko.

[40] Ibid., January 4, 1923, p. 10.

[41] Glenn Frank, "Al Smith Pardons Jim Larkin," *Century*, CV (March 1923), 797.

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In 1926 the Republicans, searching desperately for ways to defeat Smith, tried to use his pardoning record to embarrass him politically. George K. Morris, chairman of the Republican State Committee, maintained that Smith had granted 286 pardons and restored 663 criminals to full citizenship in the past four years solely to get more votes for Tammany Hall. Morris pointed out that nearly all those pardoned by the governor were from New York City. Several other Republicans, somewhat more judicious in their criticism than Morris, accused Smith of indiscriminately turning loose professional criminals to prey upon society. They noted that former Governor William Miller, a Republican, had pardoned only 28 men from 1921 to 1922 while Smith had pardoned 286 men in the four years since 1922. The governor's Republican critics singled out two pardons in particular—John "Bum" Rodgers and Izzy Presser—as examples of hardened criminals freed by Smith. The Baumes Crime Commission, appointed by the Republican Legislature to investigate the increased crime rate in New York, and its adviser Lawrence Veiller, a prominent social worker, asserted that Smith's pardoning record, especially as evidenced by the Rodgers and Presser pardons, had contributed significantly to the increased crime wave in the state.[42]

The Republican diatribe backfired, however, leaving the party politically embarrassed and frustrated. In a public rebuttal Smith explained that Izzy Presser's term of conviction had expired but he was being held for allegedly attempting to escape from prison. A jury had subsequently cleared Presser of the charge and, as a result, Smith paroled him. In the Rodgers case, Smith pointed out that both the trial judge, John Goff, reputed to be quite stern in handing down sentences, and the assistant district attorney had recommended Rodgers' parole. Smith also added that Veiller's charge that Rodgers was a professional criminal —thirteen convictions since he was thirteen years old—was not true at the time Smith paroled him. In fact, Rodgers had committed only one robbery and one petty larceny up to that time. Finally Smith demonstrated that very few of the men he pardoned had returned to prison. Commenting on the Republican charges and Smith's rebuttal, the editor of *The New York Times*, no friend of the governor, wrote: "Even a well-grit opponent has no easy task of it with the Governor. The man who assails him without adequate information is in for a very troublous time."[43]

The successful termination of Smith's dispute with the Republicans and his reelection in 1926 allowed him to renew his plans for reshaping the state's prison policies. Although his program alleviated much of the harshness of prison life, Smith envisioned more radical reforms in the future. Within the prisons, he personally favored the use of cottages rather than cells to house the convicts. He opposed the use of bars and cells to confine prisoners. Instead, he argued that the prison environment should parallel a free society as closely as possible. In his message to the legislature on industrial organization in the state prisons, Smith

[42] *The New York Times*, October 4, 1926, p. 2. Ibid., Decmber 1, 1926, p. 28. Ibid., December 9, 1926, p. 13. Ibid., December 20, 1926, p. 14. Ibid., March 21, 1927, p. 21.

[43] *Public Papers, 1927*, p. 334. *The New York Times*. April 7, 1926, p. 22.

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told the legislators that he hoped this program would "parallel industrial organization in private life."[44] Then, possibly, the convict could reenter the mainstream of society without such a difficult period of readjustment. "The state," Smith argued, "can get its greatest return from the money expended in the mainstream of its prisons by returning so far as it can be done these men to their place in society."[45]

Unfortunately society at this time was not ready for such advanced ideas on prison reform. Indeed, many people attributed the increased crime rate in New York during the 1920s to Governor Smith's lenient policies. With the exception of the industrial program in the prisons and the consolidation of prison offices, Smith's recommendations were rejected by the legislature.

Despite the defeat of his penal program, Smith refused to let his ideas die. He continued to speak before public and private gatherings and in the press on the need for penal improvements. The Prison Association of New York noted: "Governor Smith made a long step toward the solution of the [prison] problem—he secured the interest, professional and financial, of representatives of the outside public—. . . ."[46] In honor of his many contributions to prison reform, particularly the industrial program, Smith was awarded a gold medal in 1926 by the National Committee on Prisons and Prison Labor.[47]

While few of Smith's reforms were original, he was the first governor in New York's history to design a comprehensive and coherent program for prisoner rehabilitation. His program aimed at the reformation of the prisoner from the moment he entered prison, and his return to society as a good citizen. Few men before him or since have envisioned such a program or worked so diligently for its adoption. Regrettably, for the future of penology, the logic of his position has been overlooked or ignored by subsequent governors and prison reform has continued to languish in New York.

[44] *Public Papers, 1919–1920*, 1, p. 772. *The New York Times*, January 22, 1924, p. 16.

[45] *Public Papers, 1919–1920*, 1, p. 750.

[46] *The Seventy-Seventh Annual Report of the Prison Association of New York, 1921* (Albany, N. Y., 1921), p. 67.

[47] *The New York Times*, June 6, 1926, p. 26.

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World Order Models Project: First Fruits

DAVID WILKINSON

Some years ago, Stanley Hoffmann urged international relations specialists to "try to build relevant utopias." With this call he sought to respond to the determined and disturbing "realist" critique of the American school of idealism, moralism, and legalism in political thought and polemic about international affairs. Wishing to avoid "the twin escapisms of realism, which postulates the inevitability of the customary, and of idealism, which postulates an easy road to world progress"; unwilling to accept the realist theory of human nature, with its attendant extreme pessimism about politics, yet unable to defend the idealist tradition against accusations of disoriented dreaming and empty rhetoric, he simply proposed that those political thinkers who desired to put forward visions of some better future should take measures to avoid falling victims to conventional, predictable, and effective rebuttals. Did realist criticism justly denounce the ethereal imprecision of the good societies and moral norms so briskly touted by idealists? Then, said Hoffmann, "our first problem is the clarification of the values we would like to see promoted in the world": let utopians discipline themselves to the demanding task of specifically and consistently explicating their prescriptions, with as much concern as they had till then given to advertising them. Did realist criticism correctly censure rhetorical idealism for being so abstract and ahistorical as to omit any sound strategic plan

DAVID WILKINSON *is professor of political science at the University of California, Los Angeles. He is the author of* Malraux: An Essay in Political Criticism *and of* Comparative Foreign Relations: Framework and Methods.

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of action for moving from the sadly deficient contemporary world to the phantasmal realms of higher virtue? Then let the advocates of courses of action incompatible with the characteristic features of the current international system not only extol the favored destination, but "tell us in detail how we can reach it." To be relevant, a utopian program must embody some clear set of measures to carry us from here to there, from reality to utopia—a set sufficiently concrete and practical to command the attention, if not the allegiance, of a moderately skeptical reader. "Our task is to say what goals we favor for the world, to explain what our 'utopia' implies, to suggest methods for building it, and to show how such methods might appear and work in the world as it is."[1]

For some time Hoffmann's admirable suggestions, given in an article whose apt subtitle was "The Long Road to Theory," drew almost no response. Bibliographies of idealist works suggest that research undertaken prior to utopia-building is confined largely to the perusal of current journalism and uplifting tracts of the kind one intends to write, to the near exclusion of literature that critically reviews previous utopia-construction projects and proposes new techniques for carrying them out. Untouched by Hoffmann's request, and repelled rather than instructed by the realist critique that engendered it, idealist writers have continued as before to denounce or justify current events, persons, and policies; to dream of progressive change or liberating revolution; to experience the continual zest of the fiery crusade; to agonize periodically as *realpolitik* assassinates aspiration. Though unread and unheeded by idealists, Hoffmann's proposals had some impact on the community of international relations specialists: they were read, well received, but even so set aside. They came before American students of international relations at a time when many were already abandoning the idealist-realist controversy as sterile, and moving on to the more novel and promising traditionalist-scientist debate. Most of the apparently interesting and innovative work was being done in response to the scientistic orders of the day, and was consequently descriptive and analytic rather than normative. Had the researchers of the 1960s been concerned with building utopias rather than empirical theories and data collections, they might well have responded to Hoffmann's call for relevance; since they were not so concerned, they did not respond.

Still, traditionalism—idealist, realist, or otherwise—though put on the defensive and pressed somewhat toward the margins of the discipline, was never entirely extirpated or demoralized by its scientistic adversaries. Now at last we find a response, deliberately and explicitly "traditionalist," to Hoffmann's call for a reconciliation between the soar-

[1] Stanley Hoffmann, "International Relations: The Long Road to Theory," *World Politics*, 11, no. 3 (April 1959), 346–377.

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ing spirit of utopianism and the realist respect for the concrete, the actual, the specific, the practical. The endeavor is led by Saul H. Mendlovitz and Richard A. Falk, two noted American international lawyers, and undertaken by a major transnational research enterprise—the World Order Models Project—expressly committed to the creation of "relevant utopias."

Mendlovitz is the general editor of the series, "Preferred Worlds for the 1990's." The Free Press has now published three volumes in this series: Rajni Kothari's *Footsteps into the Future* (1974); Falk's *A Study of Future Worlds* (1975); and *On the Creation of a Just World Order* (1974), edited by Mendlovitz. These volumes all grow out of the World Order Models Project, sponsored by the Institute for World Order, and partially supported by the Carnegie Endowment and the Rockefeller Foundation. They provide an initial opportunity to evaluate both the purposes and the results of this project, referred to acronymously as WOMP by its inspirer and director (Mendlovitz) and its most consistent theorist (Falk).

The original plan for WOMP, as recounted in Mendlovitz's general introduction, identified as its target goal a classic value of American liberal idealism: "the elimination of war." The goal of peace was to set the research agenda and to test the adequacy of the research results. But the merely normative was to be eschewed. WOMP researchers were to furnish prescriptions for preferred future world-order systems, prescriptions that were to rest on empirical bases: diagnoses of the current world system (description and evaluation); prognoses or empirical forecasts based on the diagnoses; and, not least, consistent, feasible, effectual strategies of transition—specific sets of steps to be taken to bring about the preferred futures by the decade of the 1990s.

These intentions are proper and defensible, provided one believes in the possibility of "reform" or "improvement" in human affairs, but takes serious criticism of reformist undertakings seriously. Had Mendlovitz and his original associates gone on to define the "peace" they sought in operational terms; had they reviewed peace plans and peace periods, war data and war-cause theories recent and ancient, traditional and scientistic, in a cautious and selective way; had they then actually produced their intended diagnoses, prognoses, and strategies with due attention to descriptive precision and strategic common sense, they might well have made advances in peace theory on the order of those made by Lewis F. Richardson or Quincy Wright in previous generations. But they chose to do otherwise; and this choice has altered and impaired their contribution.

The decision that had this sad effect was made for ostensibly wholesome reasons. The project's architects determined to avoid "ethnocentric,"

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culture-bound, value-biased research by bringing transnational, cross-cultural, trans-ideological perspectives from the academic community throughout the world to bear upon their topic. Rather than exploring the knotty philosophical problem of whether and how one can possibly have a normative social science that is not in some very significant sense "biased" and culture-bound, the organizers dealt with the matter pragmatically, by recruiting into the project foreign scholars who were prepared to take a more or less drastically reformist normative position, and by seeking to persuade them to employ the relevant-utopia conceptual framework in formulating their views.

The organizers have been successful in their quest for a limited range of value diversity. None of the contributors to the three books already published reflects the standpoints of Kissinger or McNamara, Fuller or Meadows, Sakharov or Solzhenitsyn, Brezhnev or Bouteflika. But there are represented certain West European, Japanese, Maoist, and Third World perspectives, all more or less incompatible with the original values of the American group. The organizers did not achieve a diversity of views truly representative of the spectrum of contemporary world opinion; but they did create enough dissensus within the project to render their original research scheme unfeasible.

Perhaps it might have been anticipated that the goal of war prevention and the conceptual structure of the relevant utopia would themselves prove to be "culture-bound," and therefore suspect, to scholars outside the American or at least the Western intellectual community. The strongly Anglo-American character of nineteenth- and twentieth-century peace movements might have suggested that academics elsewhere would incline to espouse values of nationalism, social change, or economic welfare, in preference to those of peace, or even in opposition to them. The predominantly American participation in the idealist-realist controversy in political science might have indicated that the notion of "relevant utopia," proposed as a resolution to that American intellectual controversy, would possess a less than global appeal. Perhaps all parties to the project might, upon discovery of their grave differences of opinion, have agreed to continue to disagree, and even to sharpen and clarify their disagreements by polemical exchange. Instead, the participants made the compromises necessary to reach some consensus, and to sustain the activist hope that a "transnational social movement" committed to that consensus would emerge from their deliberations. Peace was demoted from its proud place; the value base was enlarged to include not only peace but economic well-being, social justice, environmental stability, and psychological "identity." The individual participants were allowed to choose any values within this quite comprehensive value base to define their preferred worlds. The methodological objective of "preferred world statements that meet rigorous tests of workability and feasibility"

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was not enforced. The resulting essays, predictably diverse, must be examined separately, as the work of individuals rather than of a collective research project. (Each appears in the volume edited by Mendlovitz; the Kothari and Falk volumes enlarge upon their authors' shorter contribution to Mendlovitz's book.)

Paul T. K. Lin has written a laudatory, ebullient exposition of China's road to development. Billed as an expression of the "Chinese" view, it synthesizes the dominant themes of high-level publicism from the PRC in the post-Vietnam era. The value of "peace" is flatly rejected in favor of a just-war doctrine; Chinese policy is interpreted as reflecting an ethos of populism and autonomy. Lin (or, if he is correct, "China") shares the WOMP values only in a restricted sense, and explicates no world-order plan, although the inferred Chinese ethos could serve as a ground for criticism of the plans of others.

Ali A. Mazrui discursively praises and proposes cultural convergence, cultural interplay, and a non-Eurocentric nonhierarchical global consensus on "the right values." These right values are not to be imposed, but are rather to emerge from a world federation of cultures. There are to be five "world languages"—English, French, Russian, Chinese, and Arabic (but not Spanish). Each country is to declare its allegiance to one of these five. Each school child is to learn three languages—a world language, a "regional" language, and a national or subnational language. The proposal is distinctly of the idealist genre; within the usual limits of that genre it is not uninteresting, if a bit too rigid. A world of multilingual individuals might be practical, though this proposal is not: the idea warrants serious discussion, exploring feasible policies and probable consequences.

Yoshikazu Sakamoto attributes the characteristics of depersonalization and fragmentation to a postmodern, economically successful society, and suggests that the United Nations initiate a program of building up small-scale open communities as a step toward cleaning up the psychic damage of modernization. Problem and solution are plausibly stated, but so sketchily developed as to be unready for careful debate.

Carl-Friedrich von Weizsäcker sees the central global need as the realization of the human self. In an engagingly complex, novel, dialectical argument, he begins the construction of a philosophical position which will take a long while to work out and sum up. For the purposes of this book, less of the working out and more of the summing up would have been useful. Even so, his political goal—that there should be global acceptance of the need for the world state, which he sees as both necessary and unattainable today—probably qualifies as a marginally "relevant" utopia.

Gustavo Lagos proposes an antisocialist and anticapitalist humanistic national "revolution of being," with numerous generally described

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values, characteristics, and structures, including the labels of a self-managed society, a self-managed economy, a teaching-learning society, and a self-managed political system. The discussion is detailed, yet abstract rather than concrete; still, some specific political-institutional proposals are espoused: an independent judiciary, a constitutional tribunal, a sort of ombudsman, an extensive and indeed imaginative use of plebiscite and referendum. The intriguing plebiscite-referendum proposal is sufficiently precise to be provocative, debatable, almost even capable of implementation. In addition, Lagos briefly suggests several new or reformed international agencies, and outlines of a strategy of transition for Latin America. Even though the elements of this strategy are themselves goals of a standard, grand, and controversial character (development, autonomy, democracy, stability, land reform, educational reform), it constitutes something of a concession to "relevance."

Johan Galtung makes more than a concession. Galtung's particular concern is the reduction of violence and of "structural violence"; his preferred method is a proliferation of nonterritorial international actors, not under a world-state, but within a system midway between the state-system and the world-state. While the theoretical portions of his essay are at times either tortuous or insubstantial, his discussion of the kinds of nonterritorial actors which might emerge (or be deliberately fostered) is particular and suggestive, meaty and worth debating. And indeed debatable: no persuasive connection is shown between the system structure proposed and the stated goal of "peace," even as that is redefined by Galtung.

Rajni Kothari's utopia has been developed as a separate book, *Footsteps into the Future*. Though mostly an attractive essay, at a high level of generality, on human values in the international system, it contains a fairly precise scheme for the achievement of its main values (autonomy and equality). The number of nation-states, or rather of independent actors, is to be reduced to some twenty or twenty-five, roughly equal and capable of self-reliance, by a federalizing process. Kothari mentions many other institutional and value changes as desirable, some of them in sufficient detail to qualify as "relevant"; but his particular version of regionalism is not only, in his words, "a crucial component" of his overall world-order model, but his most detailed and individual proposal. Kothari takes some note of all the predictable objections to such a proposal. His responses are not fully satisfying. Like Galtung's, they suggest that this utopia may have reached the point at which its author and sponsors could profit by soliciting and accepting criticism from those, outside the WOMP community or within it, who are committed to Mendlovitz's methodological concerns.

Richard A. Falk's book, *A Study of Future Worlds*, comes closest to fulfilling the intentions of the project. He defines and uses consistently

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the language of "preferred worlds." He accepts four "WOMP values" —minimization of violence, and maximization of social and economic well-being, of ecological quality, and of social and political justice— and makes some limited progress toward particularizing them. He sees the multiple sovereign-state character of the present world system as the chief impediment to the realization of his values, although such obstruction is repeatedly and vigorously affirmed rather than cogently argued. Falk's prognostic review of trends and patterns in world society is more balanced than compelling; he approaches controversies over population, ecology, energy, food, etc., as an outsider better able to note than to resolve them. The book succeeds in outlining an agenda of problems with which serious global reform schemes all surely ought to deal. But as its analysis of the substance of these problems is inconclusive, while Falk's design for the transition process (an increase in the salience of non-state actors at the expense of states) is rather more definite, a gap opens between the empirical theory and the policy conclusions that is never satisfactorily closed. Despite their breadth, length, and fair-mindedness, Falk's proposals therefore remain inchoate.

Since it is repeatedly stated and implied in these volumes that WOMP will continue its work, we may yet hope to receive from it utopias comparable, say, to the FAO's Indicative World Plan in concreteness, in specificity, and in the quality of the theory upon which they depend. To reach so high a level of relevance, WOMP might have to become a truly collective research effort, focused on some well-operationalized value goals, organized to collate data and theory with those goals, and ready to employ scientistic as well as traditional methods of description and theory development.

It may be too late to entertain any such hopes. Mendlovitz's general introduction, even while recognizing many of the difficulties cited above, indicates that massive successor programs—a journal, a State of the Globe Message, a series of seminars, "the beginning of a mass public education movement on a global basis"—are already in the works. Such follow-up efforts would surely be suited to the dissemination of the well-formulated and precise proposals to which the organizers of WOMP aspired; but these they are still very far from possessing. It may be that the proverbial inertia acquired by institutions and projects once launched will preclude the extensive reworking merited by even the most comprehensive of the world order models thus far produced by WOMP. If so, that will be most regrettable; but it need not be fatal to the spirit of the endeavor. Many inventors have to fail before one succeeds, and analysis of the roots of past failures usually precedes final success. Whatever becomes of the World Order Models Project, its efforts to make utopias relevant are already persuasive enough to warrant and perhaps even to inspire emulation.

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Book Reviews

National Health Insurance: Benefits, Costs, and Consequences *by Karen Davis. Washington, D. C., The Brookings Institution, 1975.—xiii, 182 pp. Cloth, $8.95; paper, $2.95.*

Twenty-two national health insurance bills were introduced in the Ninety-third Congress, ranging from totally voluntary tax credit plans to a general revenue financed scheme which would nationalize large parts of the health-care industry. The wide range of these bills both in terms of objectives and the role envisioned for the federal government in health financing is indicative of the deep divisions within Congress.

Karen Davis has provided a useful guide for analyzing the merits of the major proposals and for understanding some of the difficult issues that must be resolved. Davis describes the goals which should shape a national health insurance system. She then analyzes the major types of proposals and evaluates their probable effectiveness in achieving those goals. While no program meets all of the necessary characteristics, the book leaves the impression—probably a misleading one—that an acceptable consensus act may not be far away.

Indeed, during the period when the book was written, the administration and Congress seemed to be reaching a mutually acceptable proposal. The reasons for the failure to achieve consensus are complex and cannot be fully understood within the construct presented by Davis. In part, this is because she has omitted any real discussion of the political forces driving the health insurance debate. We are not told about the forces in and out of Congress arrayed behind the major proposals, nor about the jurisdictional disputes and the views of committee chairmen and members in Congress, nor about the very large contingent in and out of Congress that oppose any expanded federal role in health-care financing.

This latter group is composed of those who see no justification for an expanded federal role to finance personal health-care expenditures, those who do not believe that more of our national resources should be diverted to personal health care, and those who fear that further federal intervention will produce intolerable long-run federal

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costs. Until their fears can be assuaged, the prospects for national health insurance legislation appear questionable. Unfortunately, Davis' book does little in the way of allaying this fear.

The book's content provides a construct by which to evaluate the various proposals as well as programmatic data that highlight the weaknesses of current federal efforts to finance health-care services. It brings together a wealth of interesting data on how the benefits of Medicare and Medicaid are distributed; how tax subsidies are distributed among income classes; and how the various national health insurance proposals will affect different population groups.

The book begins with a clear statement of the three goals of national health insurance: access to care, provision of financial protection against high medical costs, and limitations on the rise in health-care costs. This is followed by an excellent discussion of why federal intervention is necessary in the health-care sector. One of the major points is that current tax subsidies strongly encourage the purchase of health insurance that covers likely medical expenditures. Since such insurance leads to overconsumption of health services, the author's request for a reexamination of these tax policies demands attention.

The reader is now prepared to learn how health-care financing should be amended; that is, through greater public financing of health care or governmental reforms of the private insurance market. However, an unnecessary divergence is presented on the virtues of supply (provider) subsidies versus consumer subsidies (health insurance). This discussion could have been better integrated in the text, the most appropriate place being the next chapter, which analyzes the effectiveness of the current federal financing programs. Numerous data are used here to show that minority and rural populations receive fewer Medicare and Medicaid benefits. While this chapter is interesting, its placement interrupts the flow of the argument, and, as a result, the text becomes somewhat repetitive.

Chapter 4 returns to the major theme of the book and includes a discussion on who and what should be covered under national health insurance, the pros and cons of cost sharing, and the future roles of states and private health insurance companies.

Four categories of health insurance bills—along with their strengths and weaknesses are discussed in Chapter 5. Costs of the proposals—in terms of total resources committed to health care, insurance plan costs, and source of payment—are presented next. The reader is not informed that this approach provides only first-year cost estimates. For the first year, there is little difference in total costs for the major bills because of existing health service capacity which can be increased only slightly. What are important are long-run cost differences, which vary greatly depending upon the inflation rates and long-run supply responsiveness.

Chapter 7 includes an interesting analysis of the distributional effects of the administration and Kennedy-Mills proposals. Davis highlights the much higher costs incurred and proportion of income expended by low-income populations under the administration's proposal. As financial protection is an important aspect to be considered in any insurance plan, all proposals need to be evaluated on this basis. However, to present a balanced view, a quantification of the net benefits or costs (expenses

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less benefits received) of the proposals for various income groups should have been included.

The major proposals also are evaluated in terms of the goals of access, financial protection, and cost containment. While none of the proposals are judged optimal, the author points out the consistency and adequacy of the proposals in terms of benefits and population covered. What turns out to vary greatly and be insufficient in all proposals are the cost-containment provisions.

Davis has aptly pointed out what appears to be the major obstacle of the enactment of national health insurance—the price tag. For without meaningful cost-containment provisions, any proposal that removes financial barriers to care can result in unacceptable long-run costs. The short-term solution would seem to pivot upon whether providers can work together with government to develop a mutually acceptable cost-containment program.

STANLEY S. WALLACK
Congressional Budget Office

Punishing Criminals: Concerning a Very Old and Painful Question *by Ernest van den Haag. New York, Basic Books, 1975.—283 pp. $11.50.*

The double entendre of Ernest van den Haag's subtitle ("Concerning a Very Old and Painful Question") aptly summarizes his view that punishment is painful not only for those who receive it but also for a society which rather reluctantly metes it out. In fact, the author argues that criminologists, jurists, and social scientists have eased society's conscience by reducing the punishment of criminals. The catch is that society then has been punished by a high crime rate.

This book comes at a time when there is a renewed sense of urgency about apparently rising crime in the United States. Not all the concern comes from traditional sources. When New York City's Deputy Police Commissioner Roosevelt Dunning called for a war on crime in Harlem, that community's major newspaper, *The Amsterdam News*, described his remarks as "the most important speech ever delivered in Harlem" and urged greater citizen involvement in controlling crime. In other quarters, liberal law professors and civil libertarians have begun to discuss the appropriateness of minimum sentences. *Punishing Criminals* is likely to assume a central place in this reinvigorated debate over the direction in which the criminal justice system should proceed.

A modest warning is in order. Equanimity is unlikely to characterize the readers of *Punishing Criminals*. With delight, some will consider this book confirmation of long-held convictions or prejudices. With anger, some may insist it is a book that never should have been written. Exploration of this book is an opportunity to reexamine assumptions about the purposes and results of punishment. More than an opportunity, it is a challenge because although van den Haag developed no original research, he is well acquainted with the most recent literature in the field and marshals his philosophical arguments with formidable resourcefulness, not to mention forcefulness.

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Citing Ramsey Clark's observation that less than one conviction results from every fifty serious crimes, van den Haag argues that a society which fails to punish those who commit crimes cheats those who observe the laws and invites them to follow the profitable path of the criminal.

For the last decade, progressive police chiefs have talked about the root causes of crime such as poverty. Van den Haag confronts this issue head-on. This is one of the most provocative parts of the book and one likely to be challenged by some as inaccurate, misleading, or insensitive. It is curious that he relies on 1967 figures on poverty, doubly curious since many other citations come from 1975 journal articles. Nevertheless, his arguments do not depend entirely on his figures. Acknowledging that poverty and inequality and the accompanying resentment may be elements contributing to crime, he observes "these conditions are neither necessary nor sufficient to cause crime" (p. 102). Furthermore, he insists that society errs if it excuses poor people who commit crimes. Van den Haag notes that those who argue that the poor should not be held accountable for their acts rarely make the same case for the rich and powerful or for police officers and prison guards.

Unimpressed by such determinism, he says, "Unless none of us is responsible for what he does . . . , it would have to be shown why criminals, or why poor criminals, are less able to control their conduct and therefore less responsible than others. This cannot be shown by saying that they are a product of the conditions in which they live. We all are. Nor can nonresponsibility be claimed by showing that their living conditions are more criminogenic than others. Greater temptation does not excuse from responsibility or make punishment unjust. The law, in attempting to mete out equal punishment, cannot and does not assume equal temptation" (pp. 98, 99).

With similar skepticism about prevailing practices and their intellectual justifications, van den Haag examines whether criminals are irrational, whether drug addiction excuses crime, whether judicial practices are appropriate, whether rehabilitation is viable. Despite his forceful criticisms of the way society handles its criminals, his answer is not to lock 'em up and throw away the keys. He makes a strong case for greater use of fines and for consideration of alternatives to prison such as banishment and exile, which he admits sound like practices beloved only by czars and emperors. Such willingness to consider the seemingly outrageous and to reconsider the conventional are what make *Punishing Criminals* so worth reading and deliberating.

JAMES P. GIFFORD
John Jay College of Criminal Justice,
City University of New York

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A Comparative Analysis of Complex Organizations, *rev. and enlarged ed. by Amitai Etzioni. New York, The Free Press, 1975.—xxiv, 584 pp. Cloth, $11.95; paper, $5.95.*

A Comparative Analysis of Complex Organizations was first published in 1961 and has become a principal text for students of organizations. This revised edition contains much of the material of the original, but Professor Etzioni has developed his theoretical schema considerably and has added six new chapters. He has also examined the work of the sixty or so social scientists who have tested his theoretical constructs since 1961 and thus has been able to evaluate some of his hypotheses.

The key to Etzioni's work is his use of compliance as a tool for the study of organizations. By compliance he means "both . . . a relation in which an actor behaves in accordance with a directive supported by another actor's power, and . . . the orientation of the subordinated actor to the power applied" (p. 3). He distinguishes forms of compliance as being relationships between power on the one hand and the individual's involvement in the organization on the other. To refine the analysis, power in organizations is viewed as being coercive, remunerative, or normative. Coercive power is the threat or actual infliction of physical sanctions or restrictions of movement or the denial of basic needs of one individual by another. Remunerative power is largely economic and is based upon the control of rewards and scarce resources within an organization. The final power dimension, that of normative power, is based jointly upon the allocation of esteem, prestige, and ritualistic symbols and upon social acceptance and recognition of the individual by fellow members of the organization.

Similarly, Etzioni argues that there are three forms of involvement: alienative, which he characterizes as being an "intense negative orientation" (p. 10) on the part of organization members toward the organization; calculative, which is a low-intensity involvement such as relationships between companies in a capitalistic society; and the final form, moral involvement, which is a positive, high-intensity type such as loyalty. From the forms of power and involvement Etzioni evolved a typology of compliance relations which could be formed in organizations. Of the nine types of compliance he suggested in 1961, he argued that three types—coercive power—alienative involvement (coercive); remunerative power—calculative involvement (utilitarian); and normative power—moral involvement (normative)—would be most commonly found in organizations.

In the revised edition Etzioni considers the efficacy of this typology. In Chapter IV the value and derivation of the typology are reviewed, and on balance Etzioni's construct is considered to be an empirically useful, logically sound formulation. The usefulness of compliance as a central feature of organization theory is shown in succeeding chapters of the book, and each of the analyses of the 1961 edition is reviewed and tested against later studies by other social scientists. The weight of evidence again supports Etzioni's typology as a practical analytical tool.

The final chapter, "New Directions," examines the way in which the compliance theory has been extended. Etzioni notes that new correlates or organizational attributes have been added to the original hypotheses, and the relationship between

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intraorganizational compliance and environmental variables has been explored. In addition, bridging constructs to link compliance theory to theories of human satisfaction, exchange, and distributive justice were developed, and the compliance theory was extended to the study of total institutions. Compliance theory thus proved to be adaptable and dynamic, capable of application to other forms of organizations and organizational subsystems.

The use of the compliance theory as one of "middle range" has been justified in logical and empirical terms in the fifteen years since it was first expounded. The emphasis on organizational properties and the development of a schematic variable analysis which can distinguish between different types of organizations have been the strengths of compliance theory. More important, the book also provides an alternative to the Weberian theory of bureaucracy in the study of social systems, and as such, will continue to be invaluable reading for all students of social systems.

PETER FRICKE
Woods Hole Oceanographic Institution

The Accountability of Power *by Walter F. Mondale. New York, David McKay Company, Inc., 1975.—xix, 284 pp. $12.50.*

At times it seems every book coming out of Washington is written by someone involved in Watergate. Thus, it comes as a relief to read Senator Mondale's concise and thoughtful essay on presidential accountability. Although a secondary work, based on recent political science and public law literature, it contains an original reform agenda that should command the attention of thoughtful citizens.

Mondale begins by criticizing the nominating process. He lists the factors that drove him out of the race in November 1974: fatigue, family burden, official responsibilities, and his inability to focus on important issues on the campaign trail. He makes two intelligent suggestions: first, a series of regional primaries which the national parties could adopt by party rules; second, a presidential commission to study the nominating process. Such a commission, which would provide jobs for political scientists, is heartily applauded in this quarter.

The core of the book is based on Mondale's Senate experience, and is devoted to interaction between president, executive office agencies, departments and bureaus, and to relations between the executive branch and Congress. Mondale proposes to cut the size of the White House staff, subject important presidential aides to Senate confirmation, end executive privilege, and abolish the Executive Office agencies such as the Domestic Council and the Council on International Economic Policy. He argues persuasively that the cabinet should be strengthened by including leading politicians, and that the secretaries should have primary responsibility for the implementation of the presidential program. Here a more careful assessment of the role of the secretary is in order, for those with independent political bases and ambitions do not always follow the presidential lead in setting policy for their departments.

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Mondale urges Congress to concentrate on oversight of administration and effective implementation of legislation, rather than renewal of authorizations. Here I part company with the Senator: his proposal for longer authorizations would free officials from one of the few congressional sanctions, while the annual or biannual authorization provides the action-focusing process around which oversight can be organized. His other proposals to strengthen the legislature include an Office of Congressional Legal Counsel, which would provide staff assistance for congressional lawsuits against government agencies; a question period in the Senate; greater use of the "legislative veto"; and a cooperative effort on the part of Congress and the president to rationalize departmental structures and committee jurisdictions.

If the strength of the book lies in its reform agenda, its weakness is apparent in the historical analysis that accompanies each chapter. For example, the chapter on impeachment contains two useful suggestions: first, a constitutional amendment that would permit Congress, by two-thirds votes of both Houses, to override a presidential pardon; second, an Office of Public Attorney, judicially appointed and subject to Senate confirmation, to provide independence for prosecutors investigating possible misfeasance or malfeasance in the presidency. But Mondale makes the serious error of discussing the impeachment of Andrew Johnson as a case of policy disagreement between president and Congress, taking the orthodox but incorrect position. Readers should consult Michael Les Benedict, *The Impeachment and Trial of Andrew Johnson* and Harold Hyman, *A More Perfect Union*, to fully understand the justification for the impeachment of the president.

Mondale's wit makes the book a pleasure to read. He comments that after months of campaigning, "Most people believed Mondale was a suburb of Los Angeles . . ." (p. 33). On the difference between Humphrey and Nixon as campaigners, he says: "Ambition is essential to anyone who seeks the Presidency, and obviously one must have a very strong amibition to go through what is needed. But that doesn't mean that a successful candidate must be mentally ill" (p. 261).

If Watergate stimulates some of the reforms proposed by Mondale rather than the religious revival huckstered by the convicted felons, we may yet come out of this mess with accountable institutions run by honorable politicians.

RICHARD M. PIOUS
Barnard College, Columbia University

The State of the Presidency *by Thomas E. Cronin. Boston, Little, Brown and Company, 1975.—355 pp. $6.95.*

The Domestic Presidency: Decision-Making in the White House *by John H. Kessel. North Scituate, Mass., Duxbury Press, 1975.—ix, 149 pp. $7.95.*

In the last fifteen years, the presidency has become a subversive office, systematically violating many fundamental principles of the American Constitution. This proposition, regularly maintained by radicals in the past, is no longer invalid on its face,

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and the threat posed by this revolutionary new presidency now confuses and distresses those proponents of presidential government who have revered the office since the days of Franklin Roosevelt. Any explanation of this startling change in the behavior of the presidency must consider many factors, including character and personality and the permanent atmosphere of international crisis which has existed since 1940. But one crucial key to this puzzle lies in the growth around the president of a sizable and little-understood staff apparatus. These two studies by Kessel and Cronin both shed useful light on this phenomenon, delving into the organizational life of the presidency and exploring the activities of White House staff within the institutionalized presidency.

Kessel has written a careful, even tidy book on the Domestic Council during Nixon's first term. The council was the organizational device that Nixon employed in 1970 to remove domestic policy issues from the purview of his two contentious professors, Moynihan and Burns, and settle such concerns firmly under the unimaginative control of John Ehrlichman and his crew of advance men. As an institution that once seemed to threaten the hegemony of the Office of Management and Budget in domestic policy formulation, the Domestic Council seemed eminently worthy of study in 1972, when Kessel did the research for this monograph. The research design is a model of its kind, and would be of value to students on that basis alone. Kessel's questionnaire is thoughtful and precise, and he assembles old and new techniques (like survey data and network analysis) to examine the Domestic Council.

But *fortuna* has struck hard at this study. Like a play in its first rehearsals, an organization in its first years of existence is subject to change or even disintegration. Short-run political needs and changes in presidential style can wreak havoc within the institutionalized presidency, and the Domestic Council seems an early casualty of post-Watergate reshuffling. Apparently Gerald Ford bestowed that organization on Nelson Rockefeller as part of a settlement that brought Rockefeller into the vice-presidency. As Cronin points out, "there is reason to believe that most presidents consciously assign jobs [to vice-presidents] that are unpresidential in character" (p. 221). The gift of the Domestic Council to Rockefeller seems a clear signal that its work will diminish in importance, and thus the fates have decreed that Kessel's lucid work is now itself sharply diminished in usefulness.

Cronin has in years past done extraordinarily valuable work on the internal life of the institutionalized presidency, including explorations of White House-cabinet relations, the growth of the executive office of the president, and the advisory networks available to presidents. Many of these earlier articles are incorporated (often with little change), into this study, and Cronin's original research, including a marvelous series of interviews with members of recent White House staffs, combines with his wide command of secondary sources to give a rich and complex picture of the presidency.

But Cronin suffers from an ailment common to many scholars of the presidency —post-Watergate schizophrenia. On the one hand, he is anxious to explore a wide variety of proposals for reform, ranging from plural executives to six-year terms,

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referenda, and the abolition of the vice-presidency. On the other hand, Cronin is nowhere clear about his own criteria for assessing the "state of the Presidency," a task which presumably requires some precision about the function of the office in the American political system. Cronin examines the constraints ("brakes," he likes to call them) on the office, and the dangers of a growing staff organization, while sensibly reminding us to lower our expectations about the presidency. He grudgingly agrees that presidents themselves believe that the office has special tasks to perform in crises and emergencies. But at the same time, Cronin often seems to hope that the presidency might someday become the engine for social change and redistribution in American politics, a function rather wistfully ascribed to it by the generation of presidentialists who flourished in the late 1950s and early 1960s. There is little evidence that the office has performed this function in the past; indeed, as Cronin himself points out, neither electoral nor interest group pressures have resulted in presidents who actively promoted redistributive policies. In fact, he points out, "the presidency becomes a place in which few radical decisions are made; most of its domestic policies are exploratory, remedial, or experimental modifications of past performances" (p. 86). Under Wilson in 1913–1915, Roosevelt in 1933–1935, or Johnson in 1965, changes in party balances and new levels of congressional creativity combined with activist presidents to bring about sudden changes in the legislative agenda, but it is far too simple to attribute these accomplishments solely to presidents.

Once again, Cronin's distinctive contribution lies in his analysis of organizational life within the institutionalized presidency, and I hope he will continue his valuable explorations in this area. My own belief is that the growth of that staff and the activities of the revolutionary presidency are closely intertwined. Cronin argues (p. 118) that the expansion of presidential staff has weakened the office; but it seems obvious that the new staff has also given presidents a capacity for selective intervention that they have never before possessed. With their own staff resources (and therefore without the "brakes" of bureaucratic or congressional obstruction), presidents can manage foreign policy crises (Cuba in 1962) or middle-sized wars like Vietnam; without the help of the State Department, they can reshape world politics by recognizing the People's Republic of China, or announce and carry out wage and price controls (using in the latter instance the empty shell of the Office of Emergency Planning), or create their own internal investigatory staff (like the "plumbers"). The capacity for powerful preemptive actions of this nature is, I believe, the crucial weapon available to the modern presidency, and Cronin's stated goal—which is to make the presidency safe for democracy—cannot be realized without further attention to this factor.

DALL W. FORSYTHE
Columbia University

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Public Housing Policy: Convention versus Reality *by Eugene J. Meehan. New Brunswick, N. J., Center for Urban Policy Research, 1975.—181 pp. $15.00.*

Although it is not as comprehensive as the title suggests, this is an important book. Meehan provides detailed documentation of the operating history of eight of St. Louis' nine public housing projects from the time they opened until 1968, or right before the city's nine-month rent strike. When the data on costs, revenues, occupancy, and tenant characteristics are disaggregated to the project level—and in some cases to the building level—partially successful projects stand out from total failures, and changes in operating results over time become clear. Meehan uses the St. Louis information to illustrate the multiple and parallel paths of public housing operations, all of which led to failure. Remaining tenants pay high rents for poor housing; local housing authorities are insolvent; and the federal government has spent billions of taxpayers' dollars on buildings that are being abandoned.

Public housing in St. Louis is not prototypical, though it is representative of the programs in most large, declining cities. Meehan rightly zeros in on the basic financing structure of the public housing program as a root cause of the authorities' difficulties. "The most important policy decision was made when Congress decided to fund only the cost of debt servicing, leaving the local housing authorities to support all other costs related to the program out of rent receipts" (p. 58).

The federal financing scheme contained two "catch-22's." The first was the income limit for qualifying tenants, which required that households accepted for public housing not have more than 80 percent of the income required to rent standard, private market housing. Furthermore, tenants had to be evicted when their incomes exceeded the level established for private rentals. Because tenants' income rose slowly but operating costs increased at normal "market" rates, housing authorities had to raise rents to generate more income. This forced tenants to pay higher proportions of their incomes for housing. In the loosening inner-city housing markets of the 1960s, this in turn encouraged public housing tenants to move into private dwelling units. That increased vacancy, decreased the housing authorities' revenues, and caused further rent increases. By the time of the rent strike in St. Louis in 1969, "85 percent of all persons in the developments were paying more than 25 percent of their income for rent and more than 27 percent were actually paying more than 50 percent of their income for rent" (p. 71).

The second double bind in public housing financing was caused by the provision that "the local authority could not accumulate more than 50 percent of one year's rental in operating reserves; the remaining surplus was used for debt retirement" (p. 22). In the early years of St. Louis' first projects, income exceeded costs and project funds were accordingly applied to debt retirement. Later, however, when major equipment replacements and structural repairs were needed, the reserves were not adequate to cover them. Thus, building conditions deteriorated and rents were raised.

The financial constraints that Meehan conclusively documents would seem sufficient to doom the public housing program. However, a number of other factors have contributed to the failure of urban public housing. Key among these is the overall urban development process, which has been encouraged by the federal government ever since public housing began. Traditionally, new urban construction has been focused in the

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suburbs and has steadily drawn the upper- and middle-income population out of central cities. Because public housing must be approved by local municipalities and because most suburbs refused to grant such approval, the family-oriented housing projects were built where low-income persons were located—in the oldest and most deteriorated neighborhoods of central cities. Thus, the projects exacerbated, and suffered from, the increasing concentration of the poorest households in areas at the end of the urban development process.

Meehan admirably illustrates internal program elements that made public housing unworkable. The fact that these elements were largely ignored, and unrecognized, by federal and local officials clearly reflects lack of public housing policy. Even more important, though, is the lack of national and regional housing and development policies. Public housing was a victim of itself, but it was also a victim of its context.

M. LEANNE LACHMAN
ANTHONY DOWNS
Real Estate Research Corporation

Urban Mass Transportation: A Dozen Years of Federal Policy by George M. Smerk. Bloomington, Indiana University Press, 1974.—xvi, 338 pp. $14.95.

Fitting solutions to problems is perhaps the most vexing of all the dilemmas faced by the architects of public policy. Problems generate pressure for action, with demands frequently amplified by a "crisis" of one sort or another. More often than not, the American political system generates a "solution"—in the form of changes in the rules of the game, alterations in priorities, or, most commonly, additional public expenditures. The exigencies of the political process, however, usually produce "solutions" tailored to the needs of the congressional, executive, budgetary, or interest group, and other parties involved in shaping the policy, rather than measures shaped by the nature of the problem itself.

An excellent example of this process is provided by federal aid to mass transportation. Federal involvement in urban transit was spurred by the deepening financial crisis of public transportation lines in the late 1950s and early 1960s, a crisis precipitated by declining usage in the spreading metropolis of aging transit facilities, and compounded by rising operating costs, particularly for labor. The initial federal reaction, however, dealt with none of these elements of the problem effectively. Instead, budgetary constraints and the political weakness of supporters of mass transportation produced an essentially symbolic response in the form of a loan guarantee program enacted in 1961 which was of little use to most transit agencies.

A few years later, federal grants were authorized in the Urban Mass Transportation Act of 1964. The grants were restricted to capital improvements, although operating deficits were the overriding financial problem of most transit agencies. Moreover, budgetary considerations and congressional resistance limited federal outlays to modest sums which had relatively little impact on the capital needs of the industry. Only in the early 1970s were federal grants significantly expanded, both

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in new transit legislation and through alterations in the highway-aid program which permitted some diversion of road funds for transit construction. None of these developments, however, was accompanied by anything resembling a cohesive federal policy aimed at defining objectives in the area of public transportation. Instead, as George M. Smerk emphasizes in *Urban Mass Transportation: A Dozen Years of Federal Policy*, "no one really knows what the federal transit programs are supposed to achieve. As a result, the capital grant program, and all the other [Urban Mass Transportation Administration] programs, tend to exist for themselves and for the immediate perceived needs of the potential recipients" (pp. 255–256).

In reaching this conclusion, Smerk succinctly reviews the origins, development, implementation, and impact of federal transit programs. His appraisal of the successes and failures of these efforts is reasonable and persuasive. He notes in particular Washington's heavy emphasis on hardware, its lack of attention to marketing and management improvements, the tenuous connection with federal research and innovations that affect significant numbers of transit riders, and the continued decline in ridership in the face of monetary federal subsidies. Smerk's primary concern is not politics; yet throughout this useful volume he points out the interplay between political considerations and economic, technological, and social factors. The result is an informed and enlightening analysis of a complex area of public policy which, unlike many contemporary appraisals of policy issues, expands rather than obscures our understanding of the central role of political interests, priorities, and constraints. As Smerk argues in his thoughtful conclusion, better ways exist to use federal resources and influence to deal with the vexing problems of movement in the metropolis. His optimism about the prospects for more rational policies in the future, however, is belied by the political realities of the dozen years of federal policy he has examined.

MICHAEL N. DANIELSON
Princeton University

Work Incentives and Income Guarantees: The New Jersey Negative Income Tax Experiment *edited by Joseph A. Pechman and P. Michael Timpane. Washington, D. C., The Brookings Institution, 1975.—xiii, 232 pp. $9.95.*

This book is an anthology that traces and documents the background, design, execution, and effects of a social experiment conducted in four sites in New Jersey and Pennsylvania between 1968 and 1972. The experiment aimed to find out the impact of providing guaranteed cash income payments to employable family heads with low skills and low income.

For those engaged in the lively debate over the utility of the "negative income tax" as a positive force in creating a more rational welfare system, the book is an essential reference. If nothing else, it pinpoints the numerous ideological and economic questions raised by the issue, and goes a long way to answer many of them.

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The editors claim that the project they sought to assess was "the first truly large-scale social experiment" (p. 114). Fourteen months were spent in the planning alone. Four years were devoted to the actual operation of the experiment. Finally sixteen months went into the analysis. The administrative, research, and direct payment costs of the project totaled almost $8 million.

The book is divided into nine chapters. They range from a discussion of "How and Why the Experiment Came About," to rather substantial, though largely nontechnical, analyses of the follow-up data obtained on the project participants. The authors of the chapters include some well-known and some not so well-known names in the various social disciplines.

A review of the findings reveal that the authors' assessment of the experiment was that it was highly successful. They found little fault in either the design or conduct of the experiment. Regarding its impact in illuminating the feasibility of the negative income tax, they felt it had shown this approach to social engineering to be a positive and administratively feasible vehicle for social and economic change.

Several myths are dispelled by the book. One concerns the notion that people will dispense with the work ethic so ingrained in society if given the option of a free handout. After analyzing massive data the authors conclude that "the poor have relatively strong labor force attachments . . . (pp. 190–191).

The authors found that much of the desperation that is characteristic of the poor in pursuing the American dream of gainful employment and success was obviated by the guaranteed income. Job changes among those studied were found to be made with more care and forethought than is normally the case in the marginal existence of the working poor. The result, conclude the authors, was "an improvement in occupational status and job satisfaction after changing jobs. Thus, at least some members of the experimental group may have looked for work longer and been more selective about the job they accepted" (p. 78).

In all, the book is well written. Its content is presented with clarity and logic and differing viewpoints are discussed objectively and analytically. To the editors' credit, no attempt is made to cover up or deemphasize critical viewpoints with respect to apparent shortcomings in the experiment, including its design, operation, sampling, and data. Even when these viewpoints appear contradictory, they are discussed with candor and equanimity.

The book also suggests, by way of hindsight, certain improvements that could have been made in the experiment. Most important, the authors suggest, was the need to include a method for determining the relative effects of different income guarantees.

Not without its faults, the book does have a certain amount of extraneous material. As is inevitable in an anthology focusing on a specific event, information tends to be repeated. An example is a discussion of the cost of the experiment which is presented twice within a thirteen-page span (pp. 13 and 25).

In other instances the degree of detail provided is excessive. Chapter 1 on the background and planning of the experiment goes so far as to pinpoint the dates of specific meetings and report submissions. Such detail adds little and does detract from the flow of more relevant information.

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Finally the book tends to be overly objective in places. Statements are made in such a tentative manner and with such cautious phrasing that they become annoyingly ambiguous.

Nothwithstanding its minor flaws, the book stands as an important contribution to the literature on welfare reform and social experimentation.

DENNIS P. SOBIN
Washington, D. C.

Equality and Efficiency: The Big Tradeoff *by Arthur M. Okun. Washington, D. C., The Brookings Institution, 1975.—x, 124 pp. Cloth, $6.95;* paper, *$2.95.*

Generating Inequality: Mechanisms of Distribution in the U. S. Economy *by Lester C. Thurow. New York, Basic Books, 1975.—xiv, 258 pp. Cloth, $10.95; paper, $5.95.*

For much of the past century the mainstream of economic theory has concentrated on efficiency questions, carefully avoiding judgments on the distribution of economic rewards in society. A measure of the modern neglect of the subject is the fact that of the more than 1500 articles published in the *American Economic Review* and the *Economic Journal* over the last ten years only some 100 dealt with distributional questions of any kind. Indeed, economic theory has bypassed the equality issue so thoroughly that Joan Robinson has compared the lack of a convincing theory of income distribution to the situation in the early 1930s when the discipline had no theoretical apparatus to deal with unemployment. In her address to the American Economic Association in 1972 she described "the evident bankruptcy of economic theory which for the second time has nothing to say on the question, that to everyone except economists, appears most in need of an answer."

However, the mid-1970s has seen a welcome upsurge of interest in distributional issues. Amartya Sen, Hollis Chenery, A. B. Atkinson, and now Arthur M. Okun and Lester C. Thurow have all produced important theoretical works on the subject. In the early nineteenth century Ricardo defined the laws which regulate income distribution as the principle problem in political economy, not only because of the significance of distributional shares per se but because the theory of income distribution held the key to an understanding of the productive system. It is heartening to see the discipline turning its attention once again to this all important question.

Thurow presents a clear picture of the actual distribution of income and wealth in the United States economy and then moves on to evolve a conceptual framework that will square with the observed facts. His demolition of neoclassical marginal productivity theory is neat, elegant, and devastating. The only question mark is how anyone ever believed in such tautological nonsense. Thurow's own theory of income distribution revolves around the notion that in advanced market economies people compete over jobs rather than over wages and that income differentials have something to do with education and training but much more to do with economic

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power and societal norms—a powerful proposition as it throws the burden of employment creation on the government rather than on the individual. Many well-intentioned policies designed to fight unemployment and poverty have failed precisely because they have not understood that the bundle of jobs available in society is a function of macroeconomic variables rather than individual initiative. The Great Society programs of the 1960s attempted to eradicate poverty by giving the people education and health care, but the administrations of the 1970s have found it necessary to fight inflation with unemployment rates of 7–9 percent of the labor force. We are merely left with a better educated underclass.

Thurow's interpretation of the distrubtion of wealth in society is not as convincing as his analysis of earnings. His basic assertion—that the extremely concentrated distribution of physical assets in America cannot be explained by abstemious behavior and the slow accretion of savings—is incontrovertible. Most large fortunes are made quickly and involve an element of luck, but Thurow's use of Random Walk theory to explain the distribution of wealth is both overplayed and oversimplified.

In the first place, the capitalization of future earnings through the stock market is far from being the sole mechanism through which fortunes are made. Large amounts of money have been made in the real estate market, in investment banking, in commodity dealing, and in oil wells. These fortunes rest on phenomena such as a high ratio of borrowed to invested funds and favorable rules relating to depreciation and taxes; none depend on capitalizing the future through the stock market. A second difficulty centers around Thurow's insistence that the wealthy are "simply lucky" (p. 153). The image of throwing darts at the financial pages of *The New York Times* as the most rational way of making investment decisions has a certain appeal, but the lottery cannot be completely random as it assumes both the financial wherewithal to make the investment and the ability to structure activities so as to take maximum advantage of luck. Neither of these attributes is randomly distributed.

Okun's book is both more wide-ranging and less rigorous. He sees America as a split-level society with a political framework premised on notions of equality and justice juxtapositioned with an economic system that produces a highly unequal distribution of economic rewards. His central thesis is that in a market economy, differentials in income serve as incentives, rewards, and penalties that are instrumental in promoting efficiency in the use of resources and contribute toward generating a great, and a growing national output. All Western democracies are permeated with this contradiction: laying claim to an egalitarian social system; and simultaneously generating glaring disparities in income through a market system which allows the big winners to "feed their pets better than the losers can feed their children" (p. 1).

The conceptual framework is ingenious and extremely thought provoking, but unfortunately Okun does not face up to the larger questions he poses. The most serious "credibility gap" revolves around his failure to make the important distinction between static and dynamic efficiency. Efficiency is not an unambiguous concept in

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economic theory and the potential tradeoffs between equity and the static world of perfect competition are quite different from those involved in the dynamics of growth. The analysis of efficiency is also marred by Okun's easy acceptance of the market being the best measure of social welfare (p. 2). It is at least worth challenging the assumption that people become better off (and society becomes more efficient) through the production of a larger variety of deodorants, bigger cars, and more cigarettes.

Perhaps the major contribution of *Generating Inequality* and *Equality and Efficiency* is that they demonstrate that economic theory has to deal with value judgments and confirm that the issue of discipline has not avoided distributional questions for a century through some collective slip of the memory. Ignorance is rarely arbitrary and the oversight exists for some highly rational reasons. Economists have long suspected that acknowledging the issue of equity would demolish the pretensions of the discipline to being an objective science—they would be forced to abandon their elegant models and dirty their hands in the messy water of political coercion and class conflict. Thurow and Okun have made a courageous, albeit tentative, start.

SYLVIA ANN HEWLETT
Barnard College, Columbia University

Pursuing the American Dream: White Ethnics and the New Populism *by Richard Krickus. Bloomington, Indiana University Press and Garden City, N. Y., Anchor Press/Doubleday, 1976.—xv, 424 pp. Cloth, $12.50; paper, $3.95.*

This is a remarkably interesting, readable, and useful book—"remarkable" because so much which has been written on white ethnics in the United States is either stultifyingly pedestrian or inclined to drift off into sweeping generalizations unanchored by data. Krickus sets himself a large task: to trace the status, impact, and future of the 40 million "New Immigrants" (those who came to America after 1880) and their descendants. In doing so, he traces the white ethnic's working-class legacy, his relationship to the urban political machine, and the role of organized labor in producing a political consciousness among the new Americans, and, finally, the place of the white ethnic in contemporary politics.

For the serious student of ethnic politics much here will be familiar but the excellent job of synthesizing a mass of material that heretofore has been scattered in a number of often unlikely sources makes the book a valuable aid. For those political scientists who have accepted the myth of the vanishing ethnic or who assume "ethnic politics" means black-Chicano-native American politics this book should be required reading. Krickus goes a long way in clarifying the plight of the cities, the disarray of the Democratic party, and the failure of many well-intentioned policy initiatives.

Not content with simple description, Krickus takes pains to demonstrate the ethnic blindness of many social scientists and political activists who, disgusted with the political machine, disturbed by the deprivation of blacks and other minorities, and suffer-

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ing from more than a little "elitism" (Krickus' term), turned away from the long-standing liberal concern with the working class and even imputed the resistance to social reform to a "hard-hat backlash." As Krickus argues, this was not merely a failure of sensitivity but a form of political suicide leading as it has to a loss of contact with the true grass roots of American populism and political power. The vacuum created by this default has been variously—and only partially—filled by George Wallace, Frank Rizzo, Spiro Agnew, and Richard Nixon, all of whom in one way or another realized that a sense of powerlessness and isolation is not limited to the "minorities."

Although Krickus is more concerned with the political and social consequences of contemporary liberal tunnel vision, by inference he raises a larger conceptual problem. The data have been available, the problems have manifested themselves for decades, some researchers have persistently produced the documentation, but few textbooks on urban politics, party politics, social problems, and policy making even mention, much less examine, the pressures on or dilemmas of the white ethnics. One has to question how objective and comprehensive political science is to have overlooked such a vital area of inquiry for so long. From the standpoint of the health of the discipline the question needs consideration.

There are some minor irritations. Krickus refers to a white ethnic "subculture" (p. xi), makes use of the concept, but seems to contradict the existence of a true subculture with his own data. To a degree, also, the use of citations is, if not haphazard, then frustrating. In a number of instances hard data are presented but the reader is left to guess at the sources. Some narrative passages are carefully documented; others as vital are left source-less. The reader using the book for research purposes is best warned that he will too often have to find his own way.

Despite these deficiencies, there is no other single volume that serves its subject so well. It belongs on the bookshelf of any student of American politics and deserves a wide readership.

S. J. Makielski, Jr.
Loyola University

Community Mental Health Legislation: The Formative Process *by Henry A. Foley. Lexington, Mass., Lexington Books, D. C. Heath & Co., 1975.—xiv, 155 pp. $14.00.*

The primary purpose of this book is to explain the establishment of the community mental health centers program. This program was authorized by acts of Congress in 1963 and 1965 which provided federal financial support for the construction and staffing of the centers. Dr. Foley writes that the legislation marked a major change in public policy toward the mentally ill. Previously, responsibility for this population was primarily lodged with the states, which had established large custodial institutions located in isolated areas for their care. The federal legislation was a crucial turning point in that it shifted primary responsibility to the federal level and provided that the mentally ill be cared for in their own community.

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The author seeks to understand how this major change in policy took place. Since most changes in government programs involve incremental or minor revisions in policy, Foley wants to ascertain those conditions which enabled this breakthrough on a major social policy problem. In answering this question, the author presents us with a case study of the events that led to the passage of these two pieces of legislation. He describes the strategies followed by the National Institute of Mental Health in building its power base. These strategems included the use of research and training grants to service providers in the mental health professions; the inclusion of both medical and nonmedical mental health groups in a unified coalition; and the formation of a public opinion more sensitive and knowledgeable about mental illness. The case study also examines in detail the actions and bargaining within the Kennedy and Johnson administrations as the details of the program were agreed upon as well as the congressional consideration of the program.

In reconstructing these events, the author primarily relies on data provided by the proponents of the community-based program. Most of Foley's interviews as well as unpublished letters and memorandums came from such sources. On the one hand, access to these data sources enriched the study by enabling the reader to view the struggle over the legislation from the vantage point of its supporters. The proponents were unusually candid and cooperative and Foley's training as a political scientist and a health economist stood him in good stead.

On the other hand, Foley became a "captive" of his primary data sources. He came to view the enactment of the community mental health legislation from the same limited perspective as the proponents of the program.

This is best illustrated in the last chapter, when the author introduces a conceptual model to explain its passage. Foley concludes that the program was primarily due to the mental health leadership, both within and outside of the government. This group, working in concert, defined the problem and the solution, prepared public opinion, and bargained with agencies in the executive branch and with Congress to achieve their goal. They submerged their differences in order to obtain a major shift in mental health policy.

Unfortunately, Foley has only provided his readers with a partial explanation for this shift in government policy. It is not unique for professional interests and service providers to coalesce when they seek changes in government social programs. Since significant changes in social policies appear to be the exception rather than the rule, the primary explanatory factors would appear to lie in the larger environment. More specifically, it would seem that the community mental health legislation can be better accounted for by examining and explaining the decisions of the president and the Congress at that time. The success of the Nixon and Ford administrations, in recent years, in preventing the expansion of the program, illustrate the importance of these factors and the limited power base of mental health professionals.

Foley introduces his study as the "first extensive political analysis of the passage of the Community Mental Health Centers Act of 1963 and 1965" (p. xiii). In utilizing and explicating a conceptual model to order and explain the events under study,

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the author makes a significant scholarly contribution in a policy area where most publications seldom rise much above the level of description. Unfortunately, the author focused primarily on only one aspect of a more complex decision-making process. *Community Mental Health Legislation* provides only a limited explanation for this purported major policy shift.

STEPHEN DAVID
Fordham University

Street-Level Governments: Assessing Decentralization and Urban Services *by Robert K. Yin and Douglas Yates. Lexington, Mass., Lexington Books, D. C. Heath & Co., 1975.—xviii, 276 pp. $16.00.*

In almost every field of academic interest, a point of saturation eventually is reached where the volume of literature outstrips the ability of those having even the most narrow of specialites to keep abreast. Such is now the case within the area of municipal decentralization and community participation. In the last decade alone, hundreds of books, articles, research notes, dissertations, and unpublished manuscripts have appeared dealing with this topic. When such a point has been reached, no more useful a contribution can be offered than that which attempts to systematically analyze and critique this wide array of literature.

In this book, Robert Yin and Douglas Yates admirably and eloquently achieve such a synthesis. Utilizing a "checklist" of 118 questions, the authors methodically examine the results of 269 case studies of municipal decentralization attempts. Included in their study is an analysis of the nature of the study itself; the characteristics of the decentralization city and the decentralization experiment; and the outcomes of the decentralization effort. While the details of their evaluation in each of these areas cannot be discussed in this brief review, it should be noted that in the important area of decentralization outcome the authors examine specific impacts in the areas of information flow, attitudes of agency officials and clients, changes in service delivery, and changes in client control.

Based on this analysis, the authors find that decentralization was most likely to result in improvements in the areas of service delivery and information flow. About 66 percent of all studies included in their analysis reported an improvement in service delivery, while almost 61 percent reported inprovement in information flow. In what is probably their most important section, the authors attempt to examine the relationship between type of decentralization effort (ranking all efforts on a 7-point scale ranging from "weak" to "strong") and outcomes. Strong efforts, they find, are related to improved services and increased client control; weak efforts are related to increased information flow. These findings have immensely significant policy implications for those public officials and citizen groups considering the adoption of alternative decentralization strategies. In the concluding chapters, the authors examine the impact of decentralization efforts in such service-related areas as public safety, health, multiservice programs, education, and economic develop-

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ment. Again, important deviations were found. Decentralization efforts are found most associated with improved services in the areas of economic development and multiservice programs, client control in the area of education, and information flow in the areas of multiservice programs and public safety.

Despite the overall high quality of this work, several "notes of caution" should be made explicit. For example, the reader should be cautious when interpreting the various outcomes of the decentralization efforts. While the data appear to indicate that little impact in the areas of client and official attitudes was evidenced, it must be remembered that relatively few of the studies were even concerned with these issues. Thus, the two program types comprising this "moderate" category are reported as having been associated with improved service delivery about 80 percent and 76 percent of the time. Such a conclusion—that programs of mid-level strength are most associated with improved service delivery—would be consistent with much of the decentralization literature.

These caveats (and it must be noted that the authors address many of these points) are not meant to detract from the overall excellence of this book. The book addresses an extremely important topic, is exceptionally well researched, and is very eloquently presented. Both the innovative research technique used and the results reported will certainly become major contributions to the fields of social science research and urban politics. This effort represents "must" reading for all of those interested in community research in general and citizen participation in particular.

RICHARD L. COLE
The George Washington University

Community Action Groups and City Governments: Perspectives from Ten American Cities *by Frank X. Steggert. Cambridge, Mass., Ballinger Publishing Company, 1975.—vii, 107 pp. $6.50.*

This short monograph is an analysis of organized citizen participation reports compiled in ten cities—Albuquerque, N. M.; Atlanta, Ga.; Baltimore Md.; Boston, Mass.; Cleveland, Ohio; Denver, Colo.; Kansas City, Kans.; Kansas City, Mo.; Milwaukee, Wis.; Nashville, Tenn.; and San Diego, Calif.—by their urban observatories. The author attempts to weave the common threads into a fabric for examining citizen groups. His major themes are: (1) the kinds of citizen groups engaged in contacts with city governments; (2) the issues that trigger group involvement; and (3) estimates by city officials and "knowledgeables" regarding group effectiveness. In addition the author uses material from the Urban Observatory's Citizen Attitude Survey to provide some reflection of citizen efficacy and their attitudes toward their local government in each of the reporting sites. This survey material was initially reported in Floyd Fowler's *Citizen Attitudes Toward Local Government.*

The difficulty is to provide a comparative framework on ten discrete city re-

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ports (case studies) developed by different individuals, each with his or her own perspective, emphasis, and orientation. This handicap is crippling in terms of developing new insights or moving far beyond the obvious. For the author, his analytical hands thus tied, is reduced to describing the familiar and underscoring the ordinary.

This book is not a major work, it is rather one of that multitude of minor studies that fill in the paths that others have blazed and hammer home—often by repetition—the fundamental realities of American political life. Here the author trailing the path of Verba and Nye's *Participation in America* shows in these reports on community groups that political life in these middle-sized cities is very similar to political life, as shown by survey data, nationwide. From him we learn:

> That "upper class citizens—both whites and blacks—were clearly more likely to be organizationally involved with city problems" (p. 14).
>
> That there is "a tendency toward lower levels of confidence in local government in cities that were (comparatively) more densely populated" (p. 18).
>
> That "upper class citizens . . . were much more likely than their less-advantaged fellow citizens to exhibit higher levels of trust in their local governments" (p. 19).
>
> That trust was not related to organizational membership and efficacy appears rather "mixed" in terms of organizational membership. As the author states . . ." it is not at all clear what meaning should be attached to this relationship" (p. 22).
>
> That "all kinds of citizen groups are able to function politically; and that group activity is clearly associated with situational change. . . . active citizen participation (therefore) should be seen as a dynamic process within a social change context" (p. 43).
>
> That groups vary widely in their active relationship with government, but that groups which were politically active "were in areas of the city where physical or social changes were threatening disruption of established neighborhood patterns" (p. 54).
>
> That "successful" community action groups are cooperative rather than conflict-oriented. They had already assembled some economic and political resources. They had engaged in prior successful negotiations. They used their information in simple and forthright ways (p. 61).

It is important to note that group effectiveness or "success" is based largely on the perception of city officials and "knowledgeables" (i.e., an elite who may well have a natural bias toward the more docile groups in their community). The author concludes from this that "for many the traditional political system can no longer resolve major community issues with established processes and traditional machinery; and new kinds of "high trust" citizen groups provide the means through which political executives and appointed officials can accomplish the complex tasks of urban redevelopment" (p. 81). A less kinder view and one more clearly developed in Raymond Wolfinger's *The Politics of Progress* is that "high trust" citizen's groups can be used by officials to coopt potential opponents and sell the message of urban progress to the general citizenry.

The problem with this study and most research that is generated out of urban observatories is that the observatories are increasingly dependent on the good will and financial resources of city hall to maintain their existence and conduct their

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research. Thus a word of caution is always in order when reading observatory reports or analyses based on them. Due to their close relationship with urban regimes they must perforce reflect the view of that establishment, and thus such work is bound to underscore the "high trust" group, reinforce the obvious, and overstate the banal. It is not a trap of Steggert's making, it is simply the one in which he is caught.

PETER A. LUPSHA
University of New Mexico

Urban Terrorism: Theory, Practice and Response *by Anthony M. Burton. New York, The Free Press, 1976.—x, 259, pp. $12.95.*

Despite current commercial constraints, publishers still seem determined to bear out the truth of Trotsky's claim that revolutions are always verbose. A 12,000-word limit might be salutary for many writing in this field. Burton is a new recruit to the increasingly crowded ranks of authors attempting a survey of modern insurrection. His title is doubly misleading, since the book offers a lightning tour of many different kinds of insurrection rather than a specialist study of terrorism. Moreover his discussion of terrorism is vitiated by his insistence on defining it as an epiphenomenon of urban guerrilla warfare. Historically terrorism has never been confined to urban-based movements. One has only to remember the history of the Balkans, Ireland, Indochina, and Latin America. What makes violence terroristic is not its location but its nature, modus operandi, and psychological effects.

Burton draws on a wide knowledge of recent and current revolutionary and secessionist movements and writes in a racy, sometimes vivid, style. He sets out to produce a survey of currently active movements. Unfortunately it is by no means comprehensive: violent groups of some significance such as Black September, the ERP and Montoneros, and the Japanese Red Army are not covered. Data on the leadership, size, and organization of the movements included are grossly inadequate.

Especially damaging is the omission of any analysis of the important international dimensions of terrorism; its tactics, the use of proxy terrorism by sponsor states, bilateral and transnational collaboration among terrorists, and the problems of international community response.

All this is great pity because Burton has a very clear grasp of the major ideologies of insurrection, and is not blinkered by any fellow-traveling sympathies with the terrorist movements. One welcome feature is the sound understanding of Lenin's opportunist approach to insurrectionary tactics (pp. 42–49) and a good appreciation of Lenin's techniques of defamation and character assassination. The author comments that for Lenin "The mark of ideological heresy must be branded on the adversary's brow in letters of fire. Words are to be judged on their degree of efficiency as politically damaging invective" (p. 47).

These insights and many sensible comments concerning, for example, the importance of the propaganda dimension of insurrection and the potentially corrupt-

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ing, criminalizing, and uncontrolled consequences of terrorism, are largely dissipated because the book lacks a clear theoretical framework and analytic rigor. Burton's book displays only the slenderest familiarity with the corpus of social science scholarship on violence and insurrection. One consequence of this is an irritating habit of facile and dogmatic generalization. For example, the Paris Commune is given as an explanation for the abandonment of tactics of armed insurrection, and for a return to assassination (Chap. 1), and in Chapter 7 there is a caricature of the history of American and European youth in the 1960s.

Burton's conclusions are weak because they are grounded on inadequate analysis and diagnosis. It is not sufficient to define terrorism simply as a by-product of urban guerrilla war or as a tactic of insurrection for it is also an attack on human society and morality, and a serious challenge to the state and the rule of law. The problems of how liberal democracies should respond to the challenge of terrorist blackmail and murder are of the greatest urgency. This book does not deal with the important set of problems posed by its title.

PAUL WILKINSON
University College, Cardiff

The Spoiled System: A Call for Civil Service Reform *by Robert G. Vaughn. New York, Charterhouse, 1975.—xvii, 360 pp. $12.95.*

Robert Vaughn's *The Spoiled System* is a book based on the Nader report on the Civil Service Commission. According to the author, the Civil Service Commission as a regulator has failed, and the federal civil service has regressed into a "snivel" service. Despite the commission's elaborate rules and regulations, the present personnel system strains to approximate mediocrity. The Civil Service Commission has allowed the various bureaus to persecute anyone attempting to do his job with integrity and zeal. To the author, sycophancy, conformity, and anonymity are rewarded in the public service. The present relationship between the Civil Service Commission and the various governmental bureaus is such that nonconforming personnel can be hounded, threatened, maligned, and functionally demoted.

"Behind the Promise," the title of chapter three, was written by M. Weldon Brewer, Jr., who criticizes the government's Equal Employment Opportunity program as a nonprogram. The Civil Service Commission has the authority to issue regulations, orders, and instructions under Presidential Executive Order 11478. Brewer believes that the Executive Order is a clear mandate for change. Nevertheless, the commission has failed to mount a creditable crusade against race and sex discrimination. The author proffers some statistics to make his case. For the author it is a failure of will rather than of resources on the part of the commission.

After such a provocative indictment of the Civil Service Commission, one expects Vaughn to adopt the view of many students of public administration that the commission has outgrown its usefulness and consequently should be abolished. He surprises us by advocating reform instead. He suggests restructuring of the

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commission by placing judicial functions in a separate agency, to be called The Employee Rights and Accountability Board. Vaughn advocates making public servants fiduciary agents, in order to impose legal obligations on public servants that obviate persecution by bureaus (and perhaps incidentally provide more work for lawyers).

This book is a good example of the limitations of advocacy scholarship. In Vaughn's attempt to present a cogent exposé he fails to undertake an historical and organizational analysis of the commission. The book suffers because it fails to show the changing nature of the commission over time and to say something about the political climate in which it now operates. The book also does not analyze the impact of employee unions and the courts on grievance procedures, personnel policies, and employee rights.

Despite these shortcomings, the book should be read by students of the American civil service. The value of the book is that it draws attention to some critical contemporary problems facing the commission and growing numbers of public employees. This reviewer agrees with the author that the revitalization of the civil service is a key to meaningful government reform.

WILBUR C. RICH
Columbia University

William Howard Taft and United States Foreign Policy: The Apprenticeship Years, 1900–1908 *by Ralph Eldin Minger. Urbana, University of Illinois Press, 1975.—xi, 241 pp. $9.50.*

This uninspired volume covers William Howard Taft's early experiences in diplomacy, first as civil governor of the Philippines and later as troubleshooter for President Theodore Roosevelt in Panama, Cuba, and the Far East. During this apprenticeship, argues Ralph Eldin Minger, Taft acquired the administrative skills and foreign policy concepts that shaped the dollar diplomacy of his presidential years and made him the most highly qualified statesman since John Quincy Adams to manage the nation's foreign affairs. To be sure, Taft made mistakes during his apprenticeship. He underestimated the Japanese threat to the open door in China, and he did not appreciate how America's obtuse policies in the Caribbean area created a legacy of suspicion and distrust that would haunt policy makers of a later era. Despite these shortcomings, Minger has high praise for his subject who, perhaps more accurately than Roosevelt or Woodrow Wilson, "reflected the main currents of his time" (p. 215), especially the expansionary thrust of industrial America.

This somewhat shopworn interpretation is marred by a number of serious flaws. Minger takes an almost totally benevolent view of Taft and American diplomacy in the Philippines, Cuba, and Latin America. He notes without serious criticism Taft's paternalistic and racist assumptions about colored people; his efforts to train local constabularies that could quash dissidents whose nationalistic aspirations interfered with American plans; his penchant for administrative reforms conveying the appearances but not the substance of self-government; and his fondness for reactionary local

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elites who served as a comprador class to advance American policy. At times Minger even sounds like a partisan of imperialism, referring to McKinley's policy in the Philippines as a "humanitarian, progressive code" (p. 1) and crediting Governor-General Taft with a "lofty altruism on behalf of the poor and helpless, the ignorant and downtrodden Filipinos" (p. 101).

This book adds nothing to previous works and in fact relies more upon them than archival and manuscript material. While Minger's bibliography seems up to date, few of the most recent studies are cited in his footnotes. Whole sections dealing with Taft's work in the Philippines merely reconstruct the old accounts by Oscar King Davis, Herbert S. Duffy, and Henry F. Pringle. And despite Minger's claim that he "found it necessary to make extensive use of" unpublished collections (p. 217), his bibliography lists only the Department of State records and the private papers of Willard Straight, William McKinley, Theodore Roosevelt, Elihu Root, and William Howard Taft. While the Taft papers have been used extensively there appear to be only four citations to the State Department records (all to the same document), approximatly four to the Straight papers, and a dozen or so each to the Root and McKinley papers. He cites the Philander C. Knox papers but this collection is not included in his bibliography. And while he mentions several congressional hearings on the Philippines, these too are neither cited directly nor included in the bibliography.

Nor is this lack of research offset by a tight conceptualization or good prose style. Although one of the prime motives behind Taft's early diplomacy was a desire to expand American trade, Minger's interpretation seems uninformed by the many New Left studies now available. The book also lacks a balanced approach to its subject. Almost half of it deals with Taft's experiences before becoming secretary of war, and as much space is given to his innocuous talks with Japanese officials in 1907 as to the Taft-Katsura discussions of two years earlier. There are too many long and often inane quotations, and the concluding section, a tedious summation of the text, even repeats verbatim several pages of the first chapter.

In short, there is nothing to recommend this volume to the serious scholar or, for that matter, to the casual reader of American history.

MICHAEL HOGAN
University of Iowa

U. S. Power and the Multinational Corporation: The Political Economy of Foreign Direct Investment *by Robert Gilpin. New York, Basic Books, 1975.—xii, 291 pp. $10.95.*

Robert Gilpin has written an important and provocative book, one which is more than its title suggests. It is not just about the United States and direct investment, but rather about the general relationship between international economics and political power. Three of its nine chapters are devoted to theoretical issues: Gilpin critiques Marxist, liberal, and mercantile approaches and offers some eclectic arguments of his own. The book discusses not only American direct investment after World War II, but also British portfolio investment during the nineteenth century.

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There are two central arguments in the book. The first concerns the relationship between the international distribution of power and the growth of the multinational corporation. Gilpin disagrees with the prevailing liberal wisdom that emphasizes "the autonomous evolution of an increasingly interdependent world economy whose major manifestation today is the multinational corporation," and with Marxist assertions that "American foreign policy and overseas expansion are simply instruments for fulfilling the needs of American corporate enterprise." Instead, he argues, "that the functioning and success of the multinational corporation and other so-called transnational actors are dependent upon particular patterns of political relations. . . . [T]ransnational actors have been able to play an important role in world affairs because it has been in the interest of the predominant or hegemonic powers for them to do so" (p. 4). However, over the long term multinationals hasten the diffusion of economic and technological innovations. This undermines the foundations upon which the power of the hegemonic state depends, and this in turn weakens transnational actors, because without a dominant power it is difficult to have a well-ordered world economic system. By making a distinction between the short-term political prerequisites for foreign investment, and its long-term political consequences, Gilpin is able to integrate insights from both mercantile and liberal schools.

The second major theme of Gilpin's work is prescriptive: he calls for policy changes, particularly in the area of taxation, which would discourage foreign investment. For the United States, the negative effects of foreign investment are growing. These include the loss of tax revenue, the growth of domestic disaffection with all forms of international economic activity, a relative decline in income for American labor, the reinforcement of oligopolistic control, and exposure to blackmail by host country governments. Most importantly, foreign investment decapitalizes the domestic economy, and could ultimately turn the United States into a kind of rentier society, incapable of generating new technological innovations.

Gilpin argues that the consequences of such a development would be unhappy not just for America, but for the world. A continued decline of American power is likely to lead to growing international tension and conflict, particularly over the control of petroleum and other natural resources. If, on the other hand, the United States can rejuvenate itself by developing a new cluster of technological innovations, it would not only assure the continuation of its own hegemonic position, but would also have the power and interest to sustain a relatively open and stable international economic order. Gilpin contends that the United States should now move toward a policy which encourages domestic production and international trade, rather than foreign investment.

There are many questions raised by this book. Gilpin probably exaggerates the ease with which economic power can be used for political objectives. It is not clear how the imperfections of the American capital market related to the inability of firms to scan for investment opportunities outside their own sector could be rectified. It may be impossible to maintain an open trading system while discouraging foreign investment, if only because other states are likely to erect trade barriers behind which they can develop their own high technology industries.

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It is possible to take issue with Gilpin because he has made clear arguments where others have only seen confusion. He not only reviews the literature on international political economy, but also makes many original arguments. *U.S. Power and the Multinational Corporation* is a major contribution to the growing debate about the relationship between wealth and power.

STEPHEN D. KRASNER
University of California, Los Angeles

Mutual Images: Essays in American-Japanese Relations *edited by Akira Iriye. Cambridge, Mass., Harvard University Press, 1975.—x, 304 pp. $15.00.*

Mutual Images is a most welcome addition to the literature on American-Japanese relations. It differs from other studies in that it deals with images and perceptions held by Americans and Japanese of each other. The book grew out of a binational (Japanese and American) conference held in 1972 and is "the product of an experiment in trans-Pacific scholarly exchange" (p. v). Iriye's introduction provides an excellent overview of the historiography of images, and eleven essays contributed by the participants represent different disciplines. The multidisciplinary character is well reflected in the rich variety of topics, approaches, interpretations, and periods covered. Its aim is quite modest—"to explore aspects of Japanese-American mutual perceptions" (p. 13); it does "not claim to enumerate all the important images or roles of images in Japanese-American relations" (p. 13). The book fully lives up to its modest objective.

One theme running through most of the American essays is that of continuity in American perceptions of Japan. Nathan Glazer notes that America's images of Japan, as reflected in American writings, have not changed since World War II, despite "the enormous changes that have occurred in Japan between 1945 and 1973" (p. 138). In his view, American writings on Japan (from Ruth Benedict to Herman Kahn) continue to stress her "alienness, paradoxicality, instability, and unpredictability" (p. 163). Priscilla Clapp and Morton Halperin, in their study of the American elite's images of Japan, argue that while other images (e. g., Japan as a stable ally) are important and even dominant, the theme of instability and unpredictability also persists as a key element of the elite's perceptions. A number of Japanese writers point to the theme of continuity in Japan's perceptions of the United States. A dominant image—that of the United States as a land of liberty, generosity, and plenty—has been a positive one. In fact, according to Hidetoshi Kato, these favorable "Japanese stereotypes of the U. S. are echoes of images created one hundred years ago" (p. 197). This positive perception, several Japanese authors note, has often been overwhelmed by other images or subimages largely dictated by the political and military realities of different eras (e. g., the United States as a threat to Japan, as in the case of the 1920s and 1930s). Kato argues that the traditional Japanese images of the United States are "undergoing a drastic transition" and are "now being challenged by new images and new perspectives" (p. 200), not all favorable ones. Many of the essays contend that American and Japanese mutual im-

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ages have been a function of the reality of the political, military, and economic relationship between the two countries. In Neil Harris' interesting essay, however, these considerations are insignificant for most Americans whose images of Japan, at least in the early years of the Japanese-American relationship, were shaped by what they saw in the international fairs held in the United States.

The book contains several excellent case studies of the roles images play in the shaping of national (foreign and domestic) policies. Kimitada Miwa gives a most fascinating account of how differing images held by various segments of the prewar Japanese elite—e. g., the navy's "chauvinistic spiritualism" (p. 127) and the army's "more materialistic" (p. 127) and realistic image of America—competed with one another in the shaping of Japan's American policy. "Chauvinistic spiritualism" won, and the Japanese leaders, deeply colored by this thinking, were simply unable to make an objective assessment of America's war potentials. Shoichi Saeki, too, gives an interesting account of how the traditionally positive images of the United States were suppressed by the widespread "idea of the United States as a potential enemy" (p. 112) in the 1920s and 1930s. Thus, by the end of the 1930s, "Japan was psychologically prepared for war with the United States" (p. 114). Michio Nagai and Takeo Nishijima are concerned with the roles of images in Japan's domestic policy making; they argue that images of American education had much to do with Japan's postwar educational reforms. In their lucid essay Clapp and Halperin identify three major elements of the United States elite's perceptions of American-Japanese relations in the postwar years—"inevitable harmony," "partnership," and "inevitable conflict of interests" (p. 210). These images are held to varying degrees by different segments of the policy-making elite. In the author's view, "American policy toward Japan has been motivated primarily by a combination of the first two images, with elements of distrust (the third image) lurking in the background and occasionally coming to the fore when domestic politics have entered into the relationship" (p. 210).

From these essays as well as others, readers will learn a great deal about the neglected aspect of the Japanese-American relationship—mutual images. The essays are well written and beautifully edited by Iriye who has already made significant contributions to the study of American-Japanese relations. They amply merit attention and regard among students of Japanese-American relations. Scholars involved in studies of images in general will also benefit from the ways in which the authors examine the sources, ranges, uses and misuses, and constituencies of images.

YUNG H. PARK
Humboldt State University

The Seven Sisters: The Great Oil Companies and the World They Shaped *by Anthony Sampson. New York, Viking Press, 1975.—xvii, 334 pp. $10.00.*

The petroleum industry is a "hot" topic for current investigation. The industry supplies a range of products that are used directly or indirectly by virtually everyone.

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Its leading members are relatively few, very large, and readily identified. The Arab oil embargo and the dramatic increase in prices that followed the October 1973 Arab-Israeli war focused unprecedented public attention on the companies, their practices, and their profits.

One of the efforts to satisfy this public interest is Anthony Sampson's *The Seven Sisters.* Sampson has provided a well-written journalistic account of the origins, development, and current state of the seven largest multinational petroleum companies: Exxon, Mobil, Standard of California, Texaco, Gulf, British Petroleum (BP), and Royal Dutch Shell. He provides thumbnail sketches of the personalities of their founders, subsequent leaders, and current executives. He tells the story of the discovery of oil in various parts of the world, of the companies' efforts at coordination and collusion to keep markets stable, of the enlisting of governments to help the companies achieve their goals, and finally of the rise of OPEC as the dominant force in oil price setting today. Sampson has drawn on other books about the industry, recent congressional hearings, and an extensive set of interviews with officials in the oil companies and in OPEC.

The book is strongest in telling the story of the oil companies themselves. Their development and their interactions with governments are sharply outlined. Their collusion, through informal meetings, formal meetings, and formal joint ventures, is well documented. The ability of the companies to influence government policies in their favor is a vivid testament to the kind of interaction between government and private corporations that has frequently accompanied government intervention in the economy. Unless one is an oil company stockholder, it is not an encouraging story.

What is lacking from the book, though, is a thorough understanding of the basic economics of petroleum and of the policy dilemmas that Western governments, particularly the United States, face. Perhaps that is asking too much, and we ought to be thankful for a readable story of the companies. Still, the absence of a solid background is annoying. For example, it is clear that for a product like petroleum, the demand is relatively price insensitive, at least in the short run, and there are large profits to be made from effective collusion. That does not mean that cartels are inevitable, as Sampson appears to believe, but it does mean that *attempts* to form cartels probably cannot be avoided. For a number of decades, the companies were successful in achieving sufficient coordination to earn healthy excess profits. They were pikers, though, compared to the OPEC producers. An interesting question, which Sampson fails to ask, is why the OPEC producers have been so much more successful than the companies had been. Are the OPEC producers better at collusion? Did the companies fear consumer government reactions if they went too far? Did the companies fear that profits which were too huge and obvious would wake up the producer governments to the profit potential even sooner than in fact happened? Or has OPEC overshot the mark, and will new supplies from other parts of the world eventually break the cartel?

The book offers no insights into current policy choices and dilemmas. The pursuit of the three incompatible goals of low domestic prices for petroleum, less reli-

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ance on imported oil, and breaking the cartel have led to a dreadful set of policies by the United States government. Journalists generally have not shed great light on the need to think in terms of trade-offs among goals rather than the simultaneous pursuit of all of them and on the costs and benefits of the various trade-offs. Unfortunately, Sampson stays in that tradition.

Finally, the book has one other failing of the journalistic tradition: the sloppiness that goes with quick production. There are too many typographical errors. One could expect more care.

LAWRENCE J. WHITE
Princeton University

The Birth of Nations *by Philip C. Jessup. New York, Columbia University Press, 1974.—xiv, 361 pp. $14.95.*

Professor Jessup warns us in the introduction that his book is not an autobiography or an attempt to be a history of the Truman administration's foreign policy, or a history of the various countries whose emergence as members of the world community he chronicles. Yet, despite the disclaimer, the book does encompass in varying degrees all these topics. First, it is a thinly disguised mini-autobiography of Jessup's years as ambassador-at-large and United States representative to both the United Nations Security Council and General Assembly. Second, though not a history of the Truman administration's foreign policy the book cannot avoid giving views and glimpses of that foreign policy from the perspective of an assigned agent dispatched to execute it, especially in the United Nations. Finally, though not a history of the various countries dealt with, the book offers invaluable information on the often complicated international political process that led to their birth, as well as to the stillbirths and miscarriages that prevented the establishment of other states—if one can also use the amusing obstetrical metaphors that pepper the book.

The value of the book is enhanced by Jessup's access to the State Department's unpublished official records dealing with matters with which he was officially concerned. Accordingly, Jessup's account of Washington's postwar actions, buttressed by his personal recollections of actors and events, leads to a valuable and important source for tracing and understanding America's policy stance on a number of questions, especially in the United Nations, in the initial years of the cold war.

The division of Korea and the establishment of the Republic of South Korea; the pressures applied on the Dutch to relinquish their hold on the Indonesian archipelago; the difficulties with the French in Morocco, Tunisia, and Indochina; the problems of liquidating the Italian empire in Africa; as well as the partition of the Palestine mandate and the establishment of Israel are some of the topics examined. Any reader, however, wishing to acquire a broader view of Jessup's activities during these years would be well advised to read also his articles on the Berlin blockade which appeared in *Foreign Affairs* (October 1971) as well as in the *Political Science Quarterly* in September 1972.

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Collectively the book and the articles are merely the tip of an iceberg. Jessup's volume is obviously selective, for his activities spanned many more questions than are handled in these pages. But the morsels Jessup offers whet the appetite of the inquisitive and deservedly point up Dean Acheson's comment that he is a "diplomatist"—though he might have added scholar and jurist.

JAMES BARROS
University of Toronto

Refugees: A Problem of Our Time. The Work of the United Nations High Commissioner for Refugees, 1951–1972 *by Louise W. Holborn, with the assistance of Philip and Rita Chartrand. 2 vols. Metuchen, N. J., The Scarecrow Press, Inc., 1975.—xviii, 1525 pp. $45.00.*

In this study we have a description, in great detail and with numerous supporting statistical tables, of the varied and worldwide activities of the Office of the United Nations High Commissioner for Refugees during its first twenty-two years, from 1951–1972. Though the main title suggests that the study is concerned with the problem of refugees, and in fact many facets of the problem are touched upon in this wide-ranging survey, the chief concern of the work is to describe the role of the high commissioner in dealing with the problem. The activities of the office are placed in historical context, however, and the environment within which the high commissioner has worked has not been neglected though more attention might profitably have been given to it.

Professor Holborn is a recognized authority on the refugee problem, having devoted much of her scholarly work to this area. Her book, *The International Refugee Organization, Its History and Work, 1946–1952* (New York, 1956), deals exhaustively and definitively with this short-lived specialized agency which preceded the Office of High Commissioner in dealing with the refugee problem. As has been true of all Holborn's scholarly work, the present study is the product of careful and exhaustive research, not limited to documentary material but extending to on-the-spot investigations and extensive interviews with persons involved in various facets of the Office's activity. She enjoyed, in the preparation of the study, the encouragement and full cooperation of the present high commissioner, Prince Sadruddin Aga Khan, and his staff.

The author points out that when the Office of High Commissioner was created, it was given two basic functions: to provide international protection for refugees, and to seek permanent solutions for refugee problems by assisting governments to facilitate in repatriation of such refugees or their assimilation either in states where they have taken refuge or in states willing to receive them. The function of providing protection has been an important one and has been performed with marked success, but because the difficulties encountered and the solutions found have been of a fairly uniform nature Holborn has not found it necessary to devote anything like

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the same amount of space to this aspect of the Office's activity as to what has been done in the search for solutions. Her detailed treatment, case by case and country by country, of what has been done in this area accounts for the encyclopedic length of the study and provides much of its human interest. The chapters devoted to programs for dealing with refugees in African countries are of particular interest in their connection and point up the different concepts and methods required for dealing with the refugee problem in new and undeveloped states in comparison with older established political communities.

This is a valuable and in fact indispensable book of reference for anyone seriously committed to understanding how the Office of the High Commissioner has functioned. The approach of the author is essentially technical and nontheoretical. She suggests without thoroughly exploring the issue that the Office has succeeded as a functional organization in avoiding politics, and hints that the experience of the Office supports the Mitrany thesis of the functional approach to peace (p. 1428). An answer to this question, however, requires a study of a quite different character.

LELAND M. GOODRICH
Columbia University

Pressure Groups in Britain 1720–1970: An Essay and Interpretation with Original Documents *by Graham Wootton. Hamden, Conn., Archon Books, 1975.—x, 375 pp. $20.00.*

Graham Wootton has been engaged for some years in the study of interest groups, especially those in Great Britain. In this volume he draws the raw materials of this enterprise together in three ways. The last 250 pages contain a useful, if eclectic, compilation of about 100 documents covering the charters, aims, and appeals of groups ranging from The First Catholic Association (1760) to the Council for the Advancement of Arab-British Understanding (1970). The general essay that introduces the documents consist mainly of a rather exhaustive inventory of the development of British pressure groups. Lastly, throughout this essay, but especially in its concluding section, the author presents an interpretation of the remarkable proliferation of secondary political associations.

As a teaching guide and research tool, *Pressure Groups in Britain* is a time-saver. Though the materials it has collected and the groups it has inventoried will surprise no serious student of British history and politics, there is merit in having these data between hard covers. Undergraduates asked to read the scholarship of Samuel Beer, Richard Rose, or the earlier Wootton (as they are likely to be) may be guided to this volume should they wish to develop research papers on aspects of interest group development. But it is the last of the book's three aspects—that of interpretation—which is of most interest to scholars in the field.

The axis of Wootton's interpretation is the concept "structural differentiation." In the transition from feudalism to what the author somewhat euphemistically calls modernity, British society has become increasingly complex in that citizens, free of

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feudal ties and obligations, have been increasingly free to develop a multiplicity of roles and identities. The individual may simultaneously be a father, a welder, a Quaker, a Conservative, and an advocate of joining the Common Market. The secularization of society and the developing complexity of its economy have facilitated the growth of such identities; and the increasing importance of the state has been a powerful prod to organization, and, as a result, to a more democratic polity.

As an organizing axis for a large body of diverse material, this mode of argument is surely unobjectionable. But as an interpretation, the focus on differentiation and increased governmental capacity as related secular trends is at best only a starting point. For to chronicle the growth of interest groups this way provides the setting for asking anew some of the thorniest historical and analytical questions about the British experience. Among others, they include matters of comparative history: how are we to situate the place of the British case? In what ways is it prototypical, in what ways exceptional? They include issues of salience: what accounts for the distinctive foci of group life at different moments? Why, as in the recent period, have producer group politics been partially eclipsed by ad hoc territorially based organizational conflicts? They also include questions of affiliation: Following the work of Mancur Olson and James Q. Wilson, we may inquire as to the nature of the structure of incentives groups use to recruit and maintain an active membership. This list, of course, could easily be extended. One can only wish, therefore, that the author had devoted his obvious learning to these and related concerns. The book whets the appetite, but leaves the reader waiting for the main course.

IRA KATZNELSON
University of Chicago

White-Collar Power: Changing Patterns of Interest Group Behavior in Sweden *by Christopher Wheeler. Urbana, Ill., University of Illinois Press, 1975.—xii, 210 pp. $12.00.*

Sweden is probably the most organized Western democratic society. The biggest and most influential of the Swedish interest organizations is the Confederation of Swedish Trade Unions ("Landsorganisationen," abbreviated LO), which recruits practically all blue-collar workers. On the white-collar side there are two or three national trade union confederations, the most influential being the Central Organization of Salaried Employees ("Tjänstemännens Centralorganisation," abbreviated TCO). It organizes, e.g., middle-range civil servants, teachers in the comprehensive school, nurses, engineers, and office clerks. In 1971 its membership was over 700,000. TCO, "the most highly developed white-collar confederation in the Western world" (p. 2), is the subject of Wheeler's book.

In the introduction Wheeler defines his basic theme as the role of interest organizations in the democratic process in Sweden. In Chapters 1–5 he describes the development of Swedish trade unions, the general role of interest groups in Sweden, and TCO's internal organization.

Chapters 6–8 form the core of the book. They contain case studies of TCO's ac-

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tivities in three very disparate questions. Chapter 6 is about the supplementary pensions dispute, the all-pervading problem in Swedish politics during the latter part of the 1950s. Here TCO was a house divided against itself: some of the leaders and some of the members backed the obligatory pensions system proposed by the Social Democratic government; others fought it. Consequently the influence of the organization turned out to be low in that question. For a brief period TCO even seemed to be on the way to disintegration.

Chapter 7, "The Case of the Uncommon Man," deals with the Swedish inventor. In this case the leading part was played by TCO's legal adviser Lennart Geijer. Using his negotiating skill and his personal contacts in the government party, Geijer managed, after a protracted political "war" fought mostly behind the scene, to prevent a new legislation to the detriment of the inventors in their relations to the employers.

In Chapter 8 the arena is the National Board of Education ("Skolöverstyrelsen," abbreviated SÖ). Like many other agencies of this sort SÖ has an executive board of which not only top bureaucrats but also representatives of interest groups are members. The chapter shows, among other things, how the representative of TCO, working closely with the representative from LO, used the executive board to promote the interests of TCO's teachers federation in a revision of the curriculum of the comprehensive school.

In concluding Chapters 9–10 Wheeler returns to the role of interest organizations in the democratic process, now taking also *ad hoc* groups into account. He is highly critical of what he calls functional representation, as illustrated by many of TCO's activities. Speaking of the revision of the comprehensive school curriculum he says: "Such a subsystem of decision-making, in the author's opinion, weakens the democratic fiber in the Swedish political system" (p. 157).

To find the roots of this system of decision making, Wheeler goes deeply into Swedish history, stating for instance: "Even nineteenth-century liberalism, despite its emphasis on individualism, tolerated and even accepted a corporate expression of group interests. That radical strand of liberalism, which has had such a profound effect on party and group plitics in the United States because of its strong hostility toward 'special interests,' never gained a foothold in Sweden" (pp. 166–167).

Here Wheeler grossly exaggerates the differences between the United States and Sweden. Toward voluntary associations Swedish liberalism has always been friendly though not uncritical. A modern example, not mentioned by Wheeler, of this attitude are the attacks some years ago by the Liberal leader Bertil Ohlin on the conferences with union and business leaders, which the prime minister used to arrange at his summer residence, Harpsund. Ohlin maintained that this "Harpsund democracy" was a threat against the constitutional rights of the *Riksdag*.

To sum up, Wheeler shows an excellent understanding of the Swedish political system, especially the role of interest organizations. His instructive book should be read by any scholar interested in Swedish politics or in interest groups generally.

TORBJÖRN VALLINDER
University of Lund, Sweden

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The Life and Death of Leon Trotsky *by Victor Serge and Natalia Sedova Trotsky. Translated by Arnold J. Pomerans. New York, Basic Books, 1975.—296 pp. $10.95.*

Cofounder with Lenin of the Bolshevik dictatorship, Trotsky was surely an architect of the modern world. A real biography would be rewarding, since aside from launching the Bolshevik state Trotsky was a primary creator of the mythology that now shields Bolshevism almost entirely against an investigation of its history.

It is all the more astonishing that a book written more than a generaton ago by Victor Serge, a sympathizer of Trotsky's, with splashes of detail from Trotsky's widow, should appear now at all. What can be the point of it?

Bolshevik mythology rotates, essentially, around the claim that the Bolshevik party had led an upsurge of The Masses in a Revolution—inevitable and predicted by true Marxists—and set about building Socialism on their behalf.

Yet it is obvious that Lenin and Trotsky merely took advantage of the democratic arena set up by socialists and liberals of various kinds in the wake of the breakdown of the tsarist administration of February 1917, and made a putsch with means provided by the German imperial government for the purpose of immobilizing the eastern front. The German subsidy was titanic—in today's money more than $800 million. It gave the Bolsheviks a vast press that hammered home a simple notion —peace.

The Bolsheviks took power under a formula of "Defence of the Soviet"; this was contrived by Trotsky over Lenin's head and still survives in the name of the Soviet Union.

The Bolsheviks restored capitalism until 1929, when the threatened dictatorship under Stalin slaughtered and terrorized the population on an unprecedented scale and created a secular Marxist cult around the quasi-deification of Stalin, anchored in authorized scriptures and rammed home by the police.

Alas! There is not a word of this in Serge's hagiography. The book published so belatedly is no more than a continuation of Trotsky's own apologia—as he himself calls it—in his autobiography and even in his *History of the Russian Revolution.*

Serge bypasses the true genesis of the Bolshevik putsch and the true background of Trotsky's expulsion from the party in the 1920s. His pious account paints a fundamentally incoherent portrait of a "victim of circumstances." Also, since he goes in for a huge amount of Marxist argumentation, his book sounds like an eerie echo of a dead world, in which the discourse commonplace among sectarians a generation or two ago surfaces in a disconcertingly irrelevant way.

The irony of all this is that Trotsky was, indeed, a remarkable virtuoso, but despite his own appreciation of his talents—the "arrogance" he was reproached for —he could not afford to admit his real contributions any more than he could acknowledge his real weaknesses.

His unique role was linked to the simple fact that Lenin had to flee for his life after the abortive putsch of the "July Days," when the news of the German subsidy leaked out, partially, and Lenin might have been executed as a traitor. Thus Trotsky could not only stage-manage the putsch but broadcast the "constitutional"

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theory that presented it as the defense of the Soviet, in this way rally a broad stratum of opinion, including enemies of the Bolsheviks within the democratic camp, and enable the parvenu rulers to survive the civil war long enough to create a mammoth police force and establish the Bolshevik party—the enemy of 95 percent of the population.

None of this could be admitted. Nor could anyone admit that the only "Marxist" justification of the putsch itself had been Lenin's euphoric, indeed hysterical conviction that the German working class was about to "explode" in another "Marxist" upheaval.

Thus it was Trotsky's energy and brainpower that put the Bolsheviks in power and kept them there. Less than anyone could he admit all this, even when he was busy defending himself, rather pathetically, for his services to the Revolution.

After the civil war Trotsky, an indigestible element, was simply kicked out.

This is the other vacuum in Serge's apologia. A massive myth of both Trotsky's sympathizers and the Stalin faction, for quite different reasons, was the cliché that there was a "struggle for power" in the 1920s expressed in a "clash of ideas."

There was, quite simply, nothing of the sort. Trotsky's neurotic failings, which in certain kinds of action were overshadowed by his talents, hamstrung him in the government: he could fight neither for his ideas nor for his position. He could neither work with people in a team nor—more important—present himself to the public under his own authority. Stalin, who had been put by Lenin in total control of the biggest government in history, simply dislodged and eventually expelled Trotsky—ultimately, indeed, had him assassinated—through "democratic" procedures whose appearances he could manipulate because of his supreme power in the only "right party," as Trotsky called it in public himself.

Trotsky's ordeal was harrowing. What a pity his friend and his widow could not write his real life!

JOEL CARMICHAEL
Midstream

The Middle East and North Africa in World Politics: A Documentary Record, Volume I, European Expansion, 1535–1914 *by J. C. Hurewitz. New Haven, Conn., Yale University Press, 1975.—xxiv, 616 pp. $30.00.*

Professor Hurewitz is well known for the first edition of this work, *Diplomacy in the Near and Middle East.* There was a time when American diplomats, shuttling to the troubled Middle East to deal with one crisis or another, were said to carry Hurewitz's volumes with them as a portable reference library. Volume I of the revised work is not so contemporary in its focus as to engage the attention of the practicing diplomat, although the projected second and third volumes, which will cover the period from World War I to 1975, will be of very great relevance to an understanding of current Middle East issues.

The present volume covers the period of Western expansion into the Middle East

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and North Africa, concentrating heavily on the high tide of imperialism in the nineteenth century. With the help of Hurewitz's brief and enlightening introductions to each of the documents, the reader can trace the steps of economic penetration of the area through capitulation treaties, culminating in more direct forms of political intervention in the nineteenth century. Several issues are covered in considerable depth, such as the varying arrangements for naval transit through the straits between the Black Sea and the Mediterranean. The "Eastern Question," as it was termed in European chancelleries, is also fully explored. New to this volume are numerous texts dealing with North Africa, and a smaller number on Afghanistan. The establishment of the commanding French presence in North Africa from 1830 to 1912 is traced in a series of well-chosen documents, including contrasting accounts of the famous "fly-whisk" incident in Algiers in 1827.

While this is a volume that will be of particular interest to historians, political scientists with a concern for international relations will find much material of value. Anyone who has tried to deal with theories of "regional subsystems" or models of "balance of power" can find remarkable testimony in these documents to the way in which states behaved according to some of these notions in the premodern period. In particular, it is striking to note the degree to which shifts in the European balance of power, or in the alliance system, had consequences for the Middle East (especially the Ottoman Empire). European intervention in 1839 to preserve the Ottoman sultan from the threat of Muhammed Ali, ruler of Egypt, is a classic example of balance of power calculations at work. And Hurewitz includes a document from Foreign Minister Palmerston spelling out the considerations behind this policy which is a model of "rational" decision making. No "bureaucratic politics" visible here!

In brief, Hurewitz has produced a valuable reference work that all libraries and many Middle East specialists will want to own. Volumes II and III will no doubt command even wider attention, and, along with the present work, will place all students of the Middle East in Hurewitz's debt.

WILLIAM B. QUANDT
University of Pennsylvania

The World and China, 1922–1972 *by John Gittings. New York, Harper & Row, 1974.—303 pp. $11.00.*

Three and a Half Powers *by Harold C. Hinton. Bloomington, Indiana University Press, 1975.—ix, 306 pp. cloth, $15.00; paper, $3.95.*

China and Southeast Asia: Peking's Relations with Revolutionary Movements *by Jay Taylor. New York, Praeger Publishers, 1974.—xx, 384 pp. $22.50.*

The authors of these three books seem to have somewhat surprisingly swapped their professional training and roles. Jay Taylor, the senior diplomat and National Security Council policy maker among them, offers carefully documented, completely new

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interpretations of Peking's foreign policy of the kind usually anticipated only from distinguished scholars. In an equally well-documented and ground-breaking study, John Gittings, an experienced British correspondent and China specialist, examines the intellectual origins of Chinese foreign policy by intensively analyzing the writings of the Chinese Communists themselves, including the works of Mao Tse-tung.

But the political scientist, Professor Harold Hinton, offers a loosely argued, completely undocumented, and rather journalistic review of international relations in Asia since World War II which hardly meets the high standards he set in his earlier books on Chinese foreign policy featuring a punchy style and pithy anti-Communist remarks. To his credit, Hinton confesses on the first page that this book is generally based on newspaper clippings, but even these sources are never specifically cited.

To begin with Gittings, his approach is founded on a deceptively simple question: What are the basic ideas that shape Chinese foreign policy? To find the answer requires a lengthy tour of the early writings of Mao Tse-tung which turn out to foreshadow nearly fifty years ahead of time the "new" notion of a global triangle of power and, to stretch it a bit, the visits of Nixon and Ford to Peking.

How can this be? Although Gittings notes in passing that there has been significant opposition to Mao's foreign policies since the beginnings of the Chinese Communist movement, he focuses solely on Mao's writings where he finds "Mao's constant and lively preoccupation with the world outside China" (p. 11). This preoccupation may seem to be an odd trait in a Chinese of peasant origin whose only two trips outside China were to Moscow in the 1950s when he was over fifty years old, but in the first half of the book, Gittings shows how Mao's tactical concern with domestic Chinese affairs and the survival of his revolutionary party guerrillas rested on accurate forecasts of international political trends. His imaginative first chapter describes how Mao analyzed the domestic political role of British cigarette interests in China's provinces in the 1920s. According to Mao's concept, China was "semi-colonized" but not a complete victim of monolithic imperial control.

The most important feature of this concept of "semi-colonialism" was that disunity among the imperialist powers could be turned to China's advantage. Precisely because China's internal affairs were dominated by the outside world, so Mao and his comrades had to learn to analyze astutely and to exploit adroitly the contradictions among the great powers despite their own weakness. Gittings shows how Mao developed the foreign policy implications of "semi-colonialism" beyond the writings of both Lenin and Stalin. He further suggests the cultural congruence between traditional Chinese attitudes toward barbarians and Mao's approach to foreign policy. According to Gittings, "the idea that China could successfully maneuver between rival sets of imperialists' interests dated back to the old Chinese policy of 'using barbarians to subdue barbarians' " (p. 43). Interestingly enough, Mao's views were initially opposed for many years by the majority of Chinese Communist leadership, especially the group trained in the Soviet Union. Unfortunately, Gittings chooses not to develop this point. Although noting that Peking's internal differences about foreign policy is a "vast subject which still awaits research," Git-

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tings joins the "Mao-in-command" school of American Sinologists when he concludes that Chou En-lai, Chiao Kuan-hua, and the others "consistently operated within the strategic framework provided by Mao . . . [who] has never hedged his choices or muffled his gestures" (p. 27).

The title of Taylor's book, *China and Southeast Asia*, does not do justice to its contents which in fact assess the dramatic interaction between Peking's power struggles and eight of its Asian neighbors. How does he bring off this difficult feat? Against the backdrop of a thorough treatment of the controversial issues involved in Peking's internal policy conflicts from the Great Leap to the fall of Lin Piao, Taylor provides a lucid, often vivid account of the scene in the eight Asian capitals to China's southeast: Hanoi, Pnompenh, Jakarta, Manila, Rangoon, Kuala Lumpur, Bangkok, and Singapore. In this way he succeeds in demonstrating, for the first time to my knowledge, that there are important mutual relationships between Peking's internal politics and its relations with the surrounding Asian states and revolutionary movements.

Picking up where Gittings left off, Taylor describes the oscillating impact that the opposition to Mao in Peking has had on foreign policy. His narrative features no omnipotent "Mao-in-command," but a continuing competition among rival personalities, opinions, and bureaucratic interests. As Allen Whiting states in his perceptive Foreword, "Taylor's study . . . suggests that Chinese policy-making is at least as complex as that in bureaucracies of comparable size in Washington and Moscow. . . . [It] indicates that Chinese policy is constantly in flux, that universally consistent behavior is seldom if ever present, and that only by taking a case-by-case approach over extended periods of time can one make valid generalizations and prognoses . . ." (p. viii).

Taylor provides (perhaps tongue-in-cheek) a bonus by occasionally quoting from secret American documents, but secret agents need not rush to buy the book—all such references are to Daniel Ellsburg's *Pentagon Papers*.

Serious readers will not want to miss Taylor's interpretations of the fall of Lo Jiu-ch'ing (pp. 38–59) which involved both the Japanese and Soviets; the formation of an anti-Lin Piao coalition (pp. 158–182) which involved Laos, Cambodia, and Nixon; "the great button incident" in Burma (pp. 210–225) which preceded the purge by radicals of Chou En-lai's overseas Chinese affairs commissioner; and the Jakarta-Peking "nuclear gift puzzle" (pp. 104–125) which culminated in the 1965 PKI coup attempt, the failure of which apparently affected Mao profoundly.

Praeger deserves a compliment on its recent decision to bring out an updated paperback edition of this impressive fourfold combination of a policy-making perspective; clear and candid prose; over a thousand citations to some of Asia's least known public sources of information like exhibits in Brunei Town (p. 365); and consistent, even deferential attention to previous Western scholarly interpretations.

Taylor's style contrasts sharply with Hinton's *Three and a Half Powers: The New Balance in Asia*, which contains no references to sources or to anyone else. Hinton's book also is mistitled since he does not devote more than a few pages to discussing the Asian power balance among the United States, Soviet Union, China,

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and Japan (and half power). Instead, he surveys the last thirty years' worth of political events in Asia in a rather ordinary, generalized manner except for an annoyingly omniscient tone which blithely neglects the research and views of other Asian specialists.

A major flaw is that Hinton provides little guidance for his readers as to the relative probability of his assertions. It is patently absurd to state as "probably true" that we know as confidently that, say, Stalin died in 1953 as, for example, these statements: Mao gave his consent in advance to the 1950 North Korean invasion (p. 47); "Khrushchev not only informed the Chinese in advance of his intent to install offensive missiles in Cuba," but also intended to use the new leverage to force the United States out of Taiwan (p. 73); the Soviet helicopter crew captured in Sinkiang in 1974 had been reconnoitering "Chinese missile sites on which work had been suspended for the winter" (p. 288); and, "shortly after taking over the Defense Ministry [in 1959 Lin Piao] began to organize violations of the Soviet border by parties of Chinese military personnel . . ." (p. 71).

Hinton may not be wrong in all four assertions—though I suspect he is—but he certainly does great disservice to the general readers and students to whom this book is addressed.

He also does disservice to the book's many imaginative and persuasive passages which he presents as offhandedly as the groundless speculation. One example is the discussion of how the United States could do more to prevent a Soviet attack on China. Hinton perceptively suggests that Washington "say publicly, and therefore authoritatively, that it is no longer committed to the idea of the 'irreversibility' of detente and that a Soviet attack on China would lead to immediate American reexamination of the entire relationship" (p. 286).

In general, however, one can read better versions of much of the same historical material in Hinton's two earlier books, *The Bear at the Gate* and *China's Turbulent Quest.*

MIKE PILLSBURY
Rand Corporation

Revolution in Cuba: An Essay in Understanding *by Herbert L. Matthews. New York, Charles Scribner's Sons, 1975.—x, 468 pp. $15.00.*

As both a political actor and observer, Herbert Matthews has probably been more closely involved with the Cuban revolution than any other private United States citizen. His coverage of the revolution for *The New York Times*—especially his first dramatic interview with Castro in the Sierra Maestra in February 1957—contributed at least in a minor way to the victory of the guerrilla forces. During the 1960s, when his views were far from fashionable within liberal American academic and journalistic circles, Matthews remained one of the few sympathetic non-Marxist observers of the Cuban scene. In hindsight, his assessment of the revolution has proved far more reasonable and valid than those of Cuba's early critics and opponents.

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Drawing on repeated visits to Cuba, on long conversations with its leaders, on their writings and that of other observers, Matthews has attempted in this book to elaborate on his perspective and to capture in print the dynamics of the revolutionary process. "Everything" is covered to one degree or another: the historical roots of the revolution in the independence struggles of the nineteenth century; the frustration of social and political change in the 1930s; Castro's lonely and seemingly hopeless struggles of the 1950s; the trial and error of the 1960s; the shifts in the direction of the revolutionary process in the 1970s; the successes (and failures) of attempts to implement sweeping structural and cultural changes in Cuban society; relations with the United States and the Soviet Union.

The book is interesting, well written, and fair. From the point of view of professional political scientists or Latin Americanists—and especially for those who do not have the time to read "everything" on Cuba—the book leaves a good deal to be desired. Its strength, as Matthews himself suggests in the first chapter, lies in the "intangibles" gleaned from first-hand impressions, especially of the revolutionary leaders themselves. Matthews' sketches of the revolutionary leadership are indeed interesting, particularly his two long chapters on Guevara. But a good deal of this has already been treated by Matthews in earlier works, for example his biography of Castro written in the 1960s. And when Matthews moves beyond his discussion of the leadership into the wider realm of history, economics, and political change, his work becomes excessively anecdotal, unsystematic, and unstructured. Little serious effort is made, for example, to mobilize and weigh evidence about the economic impact of resource-allocation decisions made by the Cuban government; or about the benefits and costs (or even the extent) of attempts to redistribute income or to correct prerevolutionary urban-rural imbalances. We do not learn very much about the character of decision-making structures or about the evolution of major institutions such as the party and the army. The treatment of recent trends toward the "institutionalization" of the revolution is superficial. Plans to "democratize" political participation are only barely mentioned and not discussed or evaluated at all. The reader can, to be sure, find out something from the book about such issues, and there are to my knowledge no glaring inaccuracies in the way they are treated. But for a "heavier," more detailed, and more extended view of the overall economic and political direction and impact of the revolution, one would do far better to consult the works of such scholars as Carmelo Mesa-Lago, Edward Gonzalez, or Jorge Dominguez.

ROBERT R. KAUFMAN
Rutgers University

Rhodesia: Racial Conflict or Coexistence? *by Patrick O'Meara. Ithaca, N. Y. Cornell University Press, 1975.—xxiv, 217 pp. $10.50.*

Rhodesia has probably occasioned the writing of more books than any other African land. The Rhodesian issue, raising as it does important value questions of contemporary world affairs—race conflict intertwined with class conflict, minority rule

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by whites on the African continent, the place of southern Africa in world affairs, the threat of war which might draw into its vortex the great powers of Europe and Asia—helps explain the attention lavished upon this land by many writers. O'Meara's study provides a perspective different from earlier works, rooted in an analysis of Rhodesia's internal politics. It is the quest for power by African and European leaders there which energizes the struggle and makes it an intractable one.

The history of the European presence in Rhodesia has been treated by other writers. O'Meara's brief historic overview of the European presence from 1890 to the present provides a context for his detailed study of African and European political parties and the constitutional issues which they confronted. They story of the rise of the Rhodesian Front to power and its struggle with the United Federal party and the history of African nationalist parties has been a staple of other books. This volume adds another dimension in its focus on African parties which took the legal approach to satisfying the demands of Africans and on the European opposition to the Rhodesian Front since Rhodesia's Unilateral Declaration of Independence.

Information and analysis of the roles of United People's party, the Centre party, the Democratic party, the Rhodesia party, and the National People's Union provide useful additions to the study of contemporary Rhodesia. The reader should, nevertheless, remember that the influence of these movements has been minor. Since 1965, the Rhodesian Front has won every "white" seat in the National Assembly and African MP's have been elected by just a few hundred votes or less. Since 1962, the Rhodesian Front has dominated the European political scene while the Nationalists have had a fully merited claim to speak for Africans.

The basic issue in Rhodesia is, who shall rule the land? For Africans, a related question has equal importance: How is majority rule to be won? In 1961, Whitehead, the Rhodesian prime minister predicted that it would take fifteen years for majority rule to evolve in Rhodesia (in a statement before Committee Four of the General Assembly). Hoping for support from African moderates, he anticipated a gradual transition to majority rule. Nationalist leaders, distrustful of European commitments, opted for a revolutionary path to power. They boycotted the elections of 1962 facilitating the Rhodesian Front's rise to power. From 1962 until the aftermath of the Portuguese coup, the conflict between Africans and the Salisbury government has been stalemated.

O'Meara's analysis of black-white politics in Rhodesia is influenced by his perception of the Rhodesian situation as a case of "domestic colonialism" (p. 124), whites enjoying the benefits of local colonial exploitation. The author accepts the Nationalist view that the constitutional approach was hopeless. His assessment is reinforced by the paucity of achievements gained by the African opposition in Parliament. He is critical of gradualists who are blind to "the central reality of Rhodesian politics, that there was no place for 'sane gradualism' or 'moderation' in a highly polarized political context" (p. 190).

It is, nevertheless, evident that revolutionary struggle has also been without achievement. This leaves the author in a quandary about Rhodesia's future. White domination cannot endure forever. In the end, Africans by their numbers, must

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gain power. O'Meara believes that the Nationalists will win but what they will do with power cannot be predicted. During 1975, new conversations between the Smith regime and the Nkomo-led African National Council on a settlement of the Rhodesian crisis began. These talks were made necessary by pressures arising from Mozambican independence and because of Vorster's influence of Smith and Kaunda's on Nkomo. The Portuguese coup and its impact on Rhodesia were unpredictable and demonstrated once again the hazards of prediction on the African scene. The Nkomo-Smith negotiations, if the author's analysis is sound, are doomed to fail. But does failure of force impose a rational strategy of peaceful accommodation? One is best prepared to understand the vagaries of Rhodesian politics when fully informed. In this respect O'Meara's contribution is eminently useful.

J. Leo Cefkin
Colorado State University

Underdevelopment in Kenya: The Political Economy of Neo-Colonialism *by Colin Leys. London, Heinemann Educational Books Ltd., 1975.—xv, 284 pp. Cloth, £4; paper, £2.*

Colin Leys has made a major contribution to the literatures on Kenya and on underdevelopment. Leys provides us with little new data or information on Kenya. Instead, he reinterprets contemporary Kenyan politics and provides an invaluable sequel to E. A. Brett, *Colonialism and Underdevelopment in East Africa* (London, 1972). In so doing, Leys has written a book that combines the insights of underdevelopment theory and the care of an intelligent and informed observer. This is easily the single best book available on politics in Kenya.

As a contribution to the literature on underdevelopment, Leys makes a detailed and carefully reasoned application of the theory to a specific country. He does not amend or add to the theory in any significant way. This case study is an excellent supplement to that provided by Richard L. Sklar, *Corporate Power in an African State. The Political Impact of Multinational Mining Companies in Zambia* (Berkeley, Calif., 1975). Sklar's study focuses on multinational capitalist involvement in a specific sector of a country's economy.

Although Leys is persuaded about the general value of underdevelopment theory, he does not employ it uncritically. Leys is least convinced, for example, with the deduction that a revolutionary socialist movement will emerge and remedy the inequities and injustices of capitalism. When looking at Kenya, Leys finds social classes as abstract, passive categories rather than active protagonists. The dynamics of ethnicity complicates the emergence of class-based politics. As Leys expresses it: "In Kenyan conditions, tribalism was a natural form of consciousness through which the antagonism between exploiters and exploited was partly expressed and partly concealed" (p. 206). With these observations in mind, Leys calls for—but does not suggest—a theory not only of underdevelopment, but also its liquidation (p. 21).

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One might note another limitation of underdevelopment theory that Leys does not identify: the claim of intent and conscious strategy in this explanation of events is misleading. The argument that European capitalists consciously brought in or created (p. 9) social strata to facilitate the economic exploitation of Africa and Asia assumes more than justifiable reason and planning on the part of Europeans and denies the force of political demands coupled with power on the part of the colonized. Leys describes moves of the British government, settlers, and capitalists in Kenya to provide Africans with civil service, agricultural, and commercial opportunities as efforts to prompt the growth of a group of African "allies" for the postcolonial period (p. 39). From an African perspective, however, these policies may be seen primarily as a response to the demands made by political leaders engaged in anticolonial mobilization activity. One might remember that most of the new opportunities for Africans emerged after Mau Mau and at a time when, by all indications, independence was still being resisted. Colonial settlers and British capitalists responded to emergent African power in small increments and finally in new (new-colonial) patterns. In short, the transnational linkages of neocolonialism can reasonably be considered the results of African and European entrepreneurs responding to new circumstances. A class of Africans benefiting from the neocolonial relationship does not have to be created by Europeans.

It is surprising that this study omits any consideration of the East African Community. Kenya's privileged commercial relationships with Tanzania and Uganda have been and, despite current tensions, continue to be an important incentive for the presence of international capitalism in Kenya. Moreover, a completed explanation of the protection of business in Kenya requires an understanding of the impacts of conflict and competition in the Community.

These shortcomings notwithstanding, Leys has written a book that is invaluable. His previous works have already earned him a reputation as a keen observer and genuine scholar. *Underdevelopment in Kenya* is even more than we have learned to expect from Leys.

DENNIS L. DRESANG
University of Wisconsin-Madison

The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition *by J. G. A. Pocock. Princeton, N. J., Princeton University Press, 1975.—x, 602 pp. Cloth, $22.50; paper, $11.50.*

Having announced "the transformation of the study of political thought" in his previous book (*Politics, Language and Time*, New York, 1971, pp. 3–41), J. G. A. Pocock now delivers on that promise and provides us with that transformed study. For *The Machiavellian Moment* is much more, as well as less, than an interpretation of Machiavelli. Machiavelli takes up only a tenth of the book, surrounded by a longer treatment of Guicciardini and accounts of some forty other authors from canonical figures like Aristotle to lesser known ones like Cavalcanti and Fletcher. The subject is the paradigm

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of republican thought from the Greeks through the Italians to the Anglo-Americans; the theme is civic virtue based on institutions, arms, and property, and at odds with corruption, commerce, and history. Pocock also covers many recent scholarly *topoi* from apocalypse to alienation, deference to dialectic, millennium to modernity, and participation to personality.

The work is also an historicist account of the genesis of historicism, the "process" by which a world view that did not recognize historical process was replaced by one that does (pp. 5, 8, 57, 183, 498). For Pocock explores the fruitful realm of the relations between political thought and notions of time. He examines how Christian eschatology, pagan *fortuna*, and feudal custom impinged on the development of early modern republican theory, which out of concern for stability and the preservation of virtue against corruption in turn rebelled against those notions of time and moved toward modern historicism, the doctrine that we make ourselves or that history generates values (pp. 17, 551). He derives this movement from the tension within republicanism between the universality of virtue and the spatial and temporal limitations of the republic that is its arena. That tension is exaggerated by shifts from the generality of the common good of a city's citizens to universality and from stability to immortality. Although Pocock notes that Aristotle and Polybius, after whom he often names the republican paradigm, understand history as nature (Polybius presents the political cycle as natural where Machiavelli presents it as chance), he does not systematically present nature as one of the available ways of understanding time along with providence, fortune, and custom. An account of the relation between political thought and the changing understanding of nature, from Aristotelian perfection through Hobbesian (and Machiavellian) horror to Rousseauean primitiveness and animality, might have cast further light on the genesis of historicism.

This is not the place to examine the theory of understanding political thought in terms of linguistic paradigms defended in Pocock's previous book, but to assess some of the consequences of its application to this material. Careful consideration of an author's vocabulary and of his context as constituted by other authors need not blind one to the substance of his thought or its distinctive characteristics. Pocock's presentation of Machiavelli gains considerably from the differences that emerge between his thought and his context—e.g., his rejections of the humanist history of Florence and the Venetian model (p. 186). But although Machiavelli's contribution to the paradigm is said to be the attribution of *virtú* to the people, his usage prefers to accord them *bontá* and confine *virtú* to one man or a few. Nor does Machiavelli use "new princes" to distinguish illegitimate rulers like Cesar Borgia from legislators like Moses; he distinguishes them as new princes who depend on fortune or the arms of others from new princes who depend on their own *virtú*. Nor does he employ *lo stato* to distinguish the governments of rulers like Borgia; he employs it to cover hereditary states and states founded by legislators as well. Although Pocock writes "history of ideology" (p. 105) rather than " 'history of political thought,' whatever that might be" (p. vii), he excepts Machiavelli from the status of ideology (and perhaps Guicciardini and Harrington, pp. 156, 219, 384) and accords him a theoretical intention (pp. 156, 160). It might have been helpful to consider Machiavelli's own statements of intention which avow neither the

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advancement of some social group nor pure theory. To do so would however be more appropriate to "interpreting the totality of his thought" or "a purely textual exegesis not directed to previously specified problems," endeavors that Pocock eschews for studying Machiavelli's contribution to the process he isolates (pp. 157–158, 183). The advantages and the limitations of this approach may also result from his explicit neglect of much of recent Machiavelli scholarship (p. 183).

One of the outstanding results of Pocock's paradigm is the exclusion of Locke from the tradition that culminates in the American republic (pp. 423–424, 436). Locke's thought, however, is less one of interest and commerce than of natural rights and liberty, the idiom Trenchard and Gordon helped transmit to America. They did not learn it from Aristotle or Machiavelli, though the latter's *virtú* is a step toward liberal passion and interest away from classical virtue. Nor can one consider the eighteenth-century view of reason and passion only in the context of land and commerce (pp. 460–461, 467, 471, 493) apart from consideration of Locke's *Essay*.

Apart from the paradigm of republican theory and its relations to notions of time, Pocock offers many valuable suggestions. Among them are the comparison of Aristotle's critique of democracy to Tocqueville's tyranny of the majority and to alienation in mass society (pp. 72, 538), the argument that the *Discourses*' ambiguous republican morality is more subversive than the *Prince* (pp. 194, 213), and the claim that deference is republican not hierarchical (pp. 486, 515, 524). But most important, Pocock has opened the question of the relation of political thought to metaphysics by reminding us that republican thought asserts human choice as the ground of virtue against necessity, chance, nature, or God.

NATHAN TARCOV
Harvard University

The Legal System: A Social Science Perspective *by Lawrence M. Friedman. New York, Basic Books for Russell Sage Foundation, 1975.—viii, 338 pp. $12.50.*

A cursory look at *The Legal System* might lead to the conclusion that it is a primer since it provides for basic understanding of a difficult subject. It is, however, a good deal more; it can lead to an understanding of what the law is supposed to be and what it sometimes is. The author promises much (despite contrary disclaimers) and pays off to a remarkable extent.

The book is marked in varying degrees by inclusiveness, erudition, systematization, analysis, common sense, and discernment. It is hard to imagine an aspect of law, with the notable exception of legal philosophy, with which Friedman does not effectively deal. What is so impressive is his unobtrusive interlacing of law with society and the social sciences, e.g., "a theory of legitimacy means a theory of those elements—cultural or psychological—that moves persons toward compliance with law, or when absent, toward noncompliance, apart from motive of personal loss or gain" (p. 66). The inclusiveness motif is also present in the constant first-rate analogies to other legal systems ranging over the spectra of history, geography, and politics from ancient primitive

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tribes to modern totalitarian states. The book's vast scope required that Friedman demonstrate his learning; accordingly, it serves as a filtering process for a wide variety of essential works in law and the social sciences.

Broad scope and difficulty of subject also dictated that Friedman be extremely systematic, e.g., "To build a theory of legal behavior, one must begin with a list of prerequisites to impact and some empirical statements about those prerequisites. Such a theory would also . . . contain propositions about sanctions, legal culture, legitimacy, social learning, peer group influence, and other factors which affect legal behavior" (p. 56). Similarly, the author's analytical skills are constantly challenged and the last chapter—"Social Change and Legal Change"—is a model of applied learning. Law seems inevitably to breed common sense observations, and *The Legal System* is full of them. Yet, for all the practical wisdom that Friedman dispenses, he is never Polonius-like, and the desire to quote his sage observations is difficult to resist.

Finally, and perhaps most important, is the prevailing tone of discernment. In the best tradition of pragmatism, Friedman is constantly testing and questioning, displaying a real knack for asking the right queries—e.g., on legitimacy, "But what if outcomes *consistently* go against a person's interests, or moral sense? . . . One wonders, in other words, how deep legitimacy goes. How much different is legitimacy from trust? Do people believe in law, because they generally feel the government does the right thing?" (p. 116). This, then, is a book not only for the beginning student, or casual inquirer into the workings and nonworkings of the legal system, but for any person who would better understand the law.

Inevitably there are some criticisms. The societal concept of law which Friedman so carefully constructs leaves little room for the human factor in policy making, and may explain why John Rawls's essential *A Theory of Justice* (1971) is not even mentioned, since such a system of thought could have inconsequential effect at best. But a close reading indicates that perhaps Friedman believes that social theories are after all more than conduits between social pressure and policy making. At any rate, this is a point for scholars to debate; in the meantime academic-lawyer Friedman has performed an exceedingly difficult task with great skill and grace.

DONALD M. ROPER
State University of New York, New Paltz

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City Government Finances in 1973–74 *prepared by U. S. Bureau of the Census. Washington, D. C., U. S. Government Printing Office, 1975.—110 pp. $2.30.*

Draftees or Volunteers: A Documentary History of the Debate over Military Conscription in the United States, 1787–1973 *edited by John Whiteclay Chambers, II. New York, Garland Publishing, Inc., 1975.—656 pp. $20.00.*

Economics Dictionary *by Donald Moffat. New York, Elsevier Scientific Publishing Company, Inc., 1976.—xii, 301 pp. Cloth, $14.95; paper, $9.75.*

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Governmental Finances in 1973–74 *prepared by U. S. Bureau of Census. Washington, D. C., U. S. Government Printing Office, 1975.—58 pp. $1.35.*

Guide to U. S. Elections *edited by Robert H. Diamond. Washington, D. C., Congressional Quarterly, Inc., 1975.—xvi, 1103 pp. $48.00.*

Population Growth and Socioeconomic Change in West Africa *edited by John C. Caldwell. New York, Columbia University Press, 1975.—xiii, 763 pp. $30.00.*

Public Papers of the Secretaries General of the United Nations, Vol. 6: U Thant, 1961–1964 *edited by Andrew W. Cordier and Max Harrelson. New York, Columbia University Press, 1976.—xvii, 708 pp. $27.50.*

Quality of Life Indicators in U. S. Metropolitan Areas: A Statistical Analysis *by Ben-Chieh Liu. New York, Praeger Publishers, 1976.—xvi, 315 pp. $27.50.*

Science for Society: A Bibliography, 6th ed. *prepared by Joseph M. Dasbach. Washington, D. C., American Association for the Advancement of Science, 1976.—x, 104 pp. $3.00.*

Soviet Asia: Bibliographies, with an Essay on the Soviet-Asian Controversy *by Edward Allworth. New York, Praeger Publishers, 1975.—xiii, 686 pp. $35.00.*

The Statesman's Year-Book World Gazetter *edited by John Paxton. New York, St. Martin's Press, 1976.—xiii, 733 pp. $15.00.*

Statistical Abstract of the United States: 1975, 96th ed. *prepared under the direction of William Lerner, U. S. Bureau of the Census. Washington, D. C., U. S. Government Printing Office, 1975.—xx, 1050 pp. Cloth, $10.50; paper, $8.00.*

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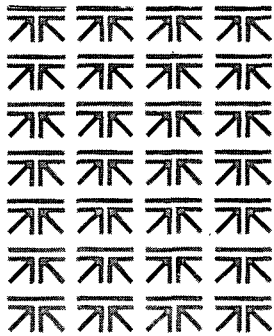

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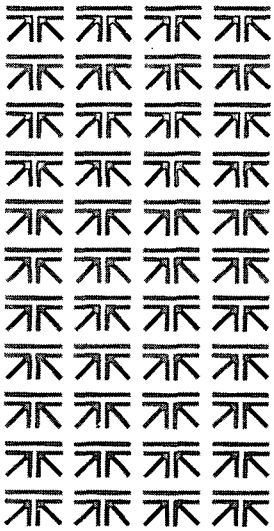

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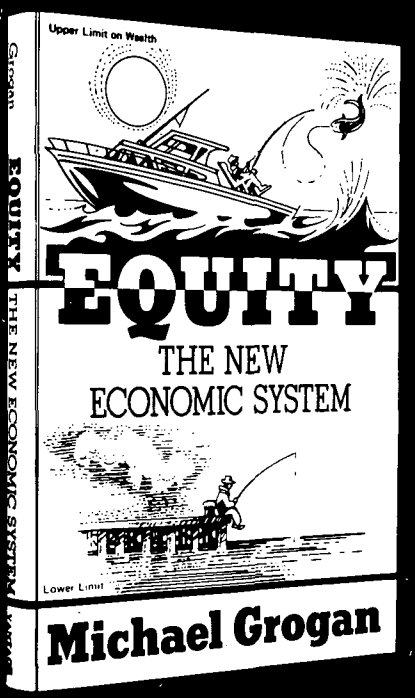

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